THE HISTORY OF THE LIFE OF MARCUS TULLIUS CICERO.

In Two Volumes.

Hunc igitur ſpectemus. Hoc propoſitum ſit nobis exemplum. Ille ſe profeciſſe ſciat, cui Cicero *valde placebit.*

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By Conyers Middleton, D. D.

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MDCCLVII.



THE

HISTORY of the LIFE

OF

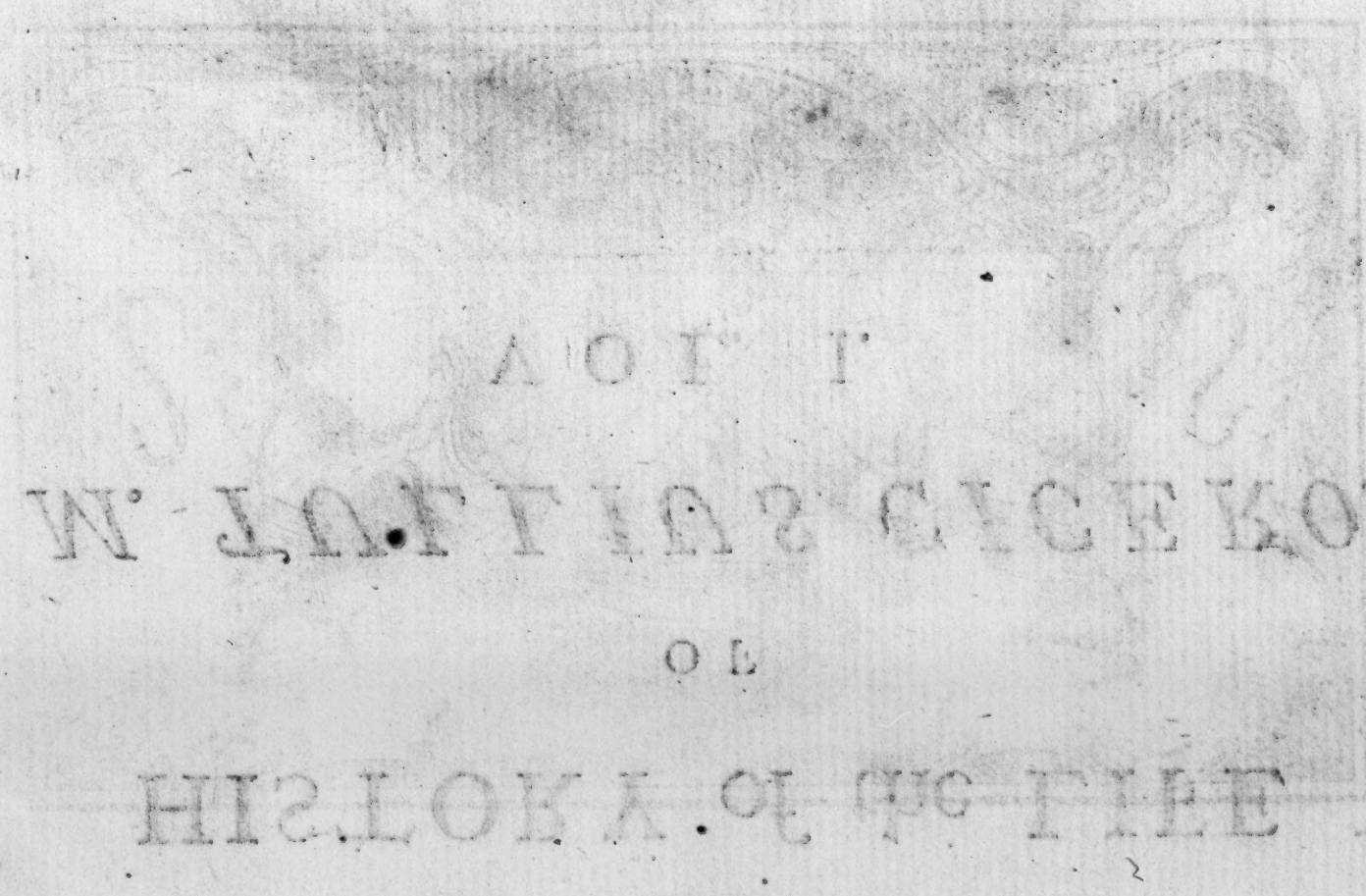
M. TULLIUS CICERO.

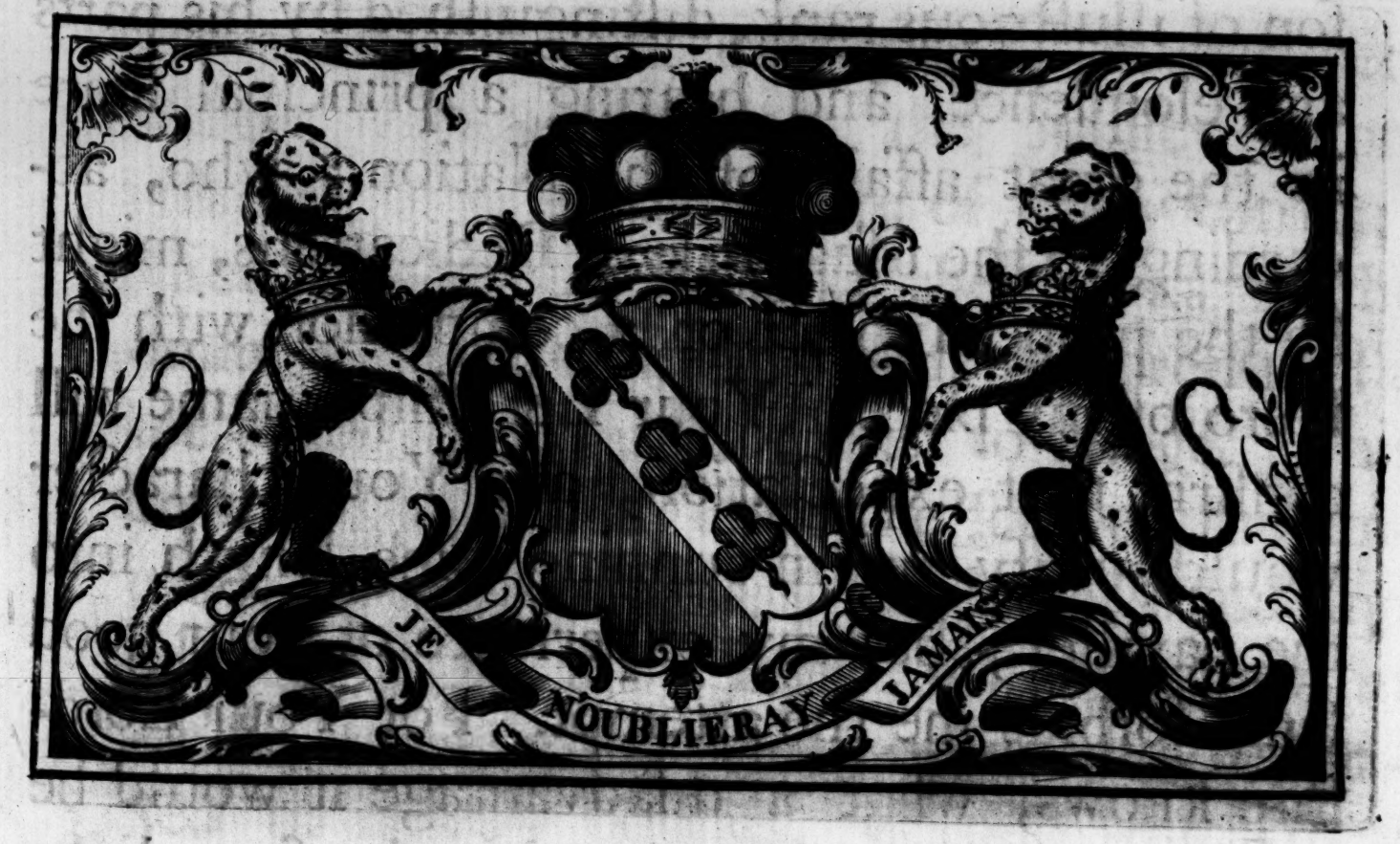
VOL. I.



LONDON:

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To the RIGHT HONORABLE

JOHN Lord HERVEY,

Lord Keeper of His Majeſty's Privy Seal.

MY LORD,

THE public will naturally expect, that in chuſing a Patron for *the Life of* CICERO, I ſhould addreſs myſelf to ſome per-

A ſon

ſon of illuſtrious rank, diſtinguiſhed by his parts and eloquence, and bearing a principal ſhare in the great affairs of the Nation; who, according to the uſual ſtile of Dedications, might be the proper ſubject of a compariſon with the Hero of my piece. Your Lordſhip's name will confirm that expectation, and Your character would juſtify me in running ſome length into the parallel; but my experience of your good ſenſe forbids me the attempt. For Your Lordſhip knows, what a diſadvantage it would be to any character, to be placed in the ſame light with that of CICERO; that all ſuch compariſons muſt be invidious and adulatory; and that the following Hiſtory will ſuggeſt a reaſon in every page, why no man now living can juſtly be compared with him.

I DO not impute this to any ſuperiority of parts or genius, peculiar to the Ancients; for human nature has ever been the ſame in all ages and nations, and owes the difference of it's improvements, to a difference onely of culture, and of the rewards propoſed to it's induſtry: where theſe are the moſt amply provided, there we ſhall always find the moſt numerous

merous and ſhining examples of human perfection. In old *Rome*, the public honors were laid open to the virtue of every Citizen; which, by raiſing them in their turns to the command of that mighty Empire, produced a race of Nobles, ſuperior even to Kings. This was a proſpect, that filled the ſoul of the ambitious, and rouſed every faculty of mind and body, to exert it's utmoſt force: whereas in modern ſtates, men's views being uſually confined to narrow bounds, beyond which they cannot paſs, and a partial culture of their talents being ſufficient to procure every thing, that their ambition can aſpire to, a great genius has ſeldom either room or invitation to ſtretch itſelf to it's its full ſize.

You ſee, my Lord, how much I truſt to your good nature, as well as good ſenſe, when in an *Epiſtle dedicatory*, the proper place of Panegyric, I am depreciating your abilities, inſtead of extolling them: But I remember, that it is an Hiſtory, which I am offering to Your Lordſhip, and it would ill become me, in the front of ſuch a work, to expoſe my veracity to any hazard: and my head indeed is

now ſo full of antiquity, that I could wiſh to ſee the dedicatory ſtile reduced to that claſſical ſimplicity, with which the ancient writers uſed to preſent their books to their friends or Patrons, at whoſe deſire they were written, or by whoſe authority they were publiſhed: for this was the firſt uſe, and the ſole purpoſe of *a Dedication*; and as this alſo is the real ground of my preſent addreſs to Your Lordſhip, ſo it will be the beſt argument of my Epiſtle, and the moſt agreeable to the character of an Hiſtorian, to acquaint the public with a plain fact, that it was Your Lordſhip, who firſt adviſed me, to undertake *the Life of* CICERO; and when from a diffidence of my ſtrength, and a nearer view of the taſk, I began to think myſelf unequal to the weight of it, Your Lordſhip ſtill urged and exhorted me to perſiſt, till I had moulded it into the form, in which it now appears.

THUS far your Lordſhip was carried by *that love for* CICERO, which, as one of the *beſt Critics* of antiquity aſſures us, is the undoubted proof of a true taſt. I wiſh onely, that the favor, which You have ſince ſhewn

to

to *my Engliſh* CICERO, may not detract from that praiſe, which is due to Your love of the *Roman*: but whatever cenſure it may draw upon Your Lordſhip, I cannot prevail with myſelf to conceal, what does ſo much honor to my work; that, before it went to the Preſs, Your Lordſhip not only ſaw and approved, but, as the ſincereſt mark of Your approbation, corrected it. It adds no ſmall credit to the Hiſtory of POLYBIUS, that he profeſſes to have been aſſiſted in it by SCIPIO and LÆLIUS; and even TERENCE's ſtile was made the purer, for it's being retouched by the ſame great hands. You muſt pardon me therefore, my Lord, if, after the example of thoſe excellent Authors, I cannot forbear boaſting, that ſome parts of my preſent work have been brightened by the ſtrokes of Your Lordſhip's pencil.

IT was the cuſtom of thoſe *Roman* Nobles, to ſpend their leiſure, not in vicious pleaſures, or trifling diverſions, contrived, as we truly call it, *to kill the time*; but in converſing with the celebrated wits and Scholars of the age; in encouraging other people's learning, and improving their own: and here Your Lord-

ſhip

ſhip imitates them with ſucceſs, and for love of letters and politeneſs may be compared with the Nobleſt of them. For Your houſe, like theirs, is open to men of parts and merit; where I have admired Your Lordſhip's agreeable manner of treating them all in their own way, by introducing queſtions of literature, and varying them ſo artfully, as to give every one an opportunity, not onely of bearing a part, but of leading the converſation in his turn. In theſe liberal exerciſes You drop the cares of the Stateſman; relieve Your fatigues in the Senate; and ſtrengthen Your mind, while You relax it.

ENCOMIUMS of this kind, upon perſons of Your Lordſhip's quality, commonly paſs for words of courſe, or a faſhionable language to the Great, and make little impreſſion on men of ſenſe, who know learning, not to be the fruit of wit or parts, for there Your Lordſhip's title would be unqueſtionable, but an acquiſition of much labor and ſtudy, which the Nobles of our days are apt to look upon, as inconſiſtent with the eaſe and ſplendor of an elevated fortune, and generally leave to men of profeſſions

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and inferior life. But your Lordſhip has a different way of thinking, and by Your education in a public School and Univerſity, has learnt from Your earlieſt youth, that no fortune can exempt a man from pains, who deſires to diſtinguiſh himſelf from the vulgar; and that it is a folly in any condition of life, to aſpire to a ſuperior character, without a ſuperior virtue and induſtry to ſupport it. What time therefore others beſtow upon their ſports, or pleaſures, or the lazy indolence of a luxurious life, Your Lordſhip applies to the improvement of Your knowledge; and in thoſe early hours, when all around You are huſhed in ſleep, ſeize the opportunity of that quiet, as the moſt favorable ſeaſon of ſtudy, and frequently ſpend an uſeful day, before others begin to enjoy it.

I AM ſaying no more, my Lord, than what I know, from my conſtant admiſſion to Your Lordſhip in my morning viſits, before good manners would permit me to attempt a viſit any where elſe; where I have found You commonly engaged with the Claſſical writers of *Greece* or *Rome*; and converſing with thoſe very

very dead, with whom SCIPIO and LÆLIUS uſed to converſe ſo familiarly when living. Nor does Your Lordſhip aſſume this part for oſtentation or amuſement onely, but for the real benefit both of Yourſelf and others; for I have ſeen the ſolid effects of Your reading, in Your judicious reflections on the policy of thoſe ancient Governments, and have felt Your weight even in controverſy, on ſome of the moſt delicate parts of their Hiſtory.

THERE is another circumſtance peculiar to Your Lordſhip, which makes this taſk of Study the eaſier to you, by giving You not onely the greater health, but the greater leiſure to purſue it; I mean that ſingular temperance in diet, in which Your Lordſhip perſeveres with a conſtancy, ſuperior to every temptation, that can excite an appetite to rebel; and ſhews a firmneſs of mind, that ſubjects every gratification of ſenſe to the rule of right reaſon. Thus with all the accompliſhments of the Nobleman, You lead the life of a Philoſopher; and while you ſhine a principal ornament of the Court, You practiſe the diſcipline of the College.

IN

In old *Rome* there were no hereditary honors; but when the virtue of a family was extinct, it's honor was extinguiſhed too; ſo that no man, how nobly ſoever born, could arrive at any dignity, who did not win it by his perſonal merit: and here again Your Lordſhip ſeems to have emulated that ancient ſpirit; for, though born to the firſt honors of Your country, yet diſclaiming as it were Your birthright, and putting Yourſelf upon the foot of a *Roman*, You were not content with inheriting, but reſolved to import new dignities into Your family; and after the example of Your Noble Father, to open Your own way into the ſupreme council of the kingdom. In this auguſt Aſſembly, Your Lordſhip diſplays thoſe ſhining talents, by which You acquired a ſeat in it, in the defence of our excellent Eſtabliſhment; in maintaining the rights of the people, yet aſſerting the prerogative of the Crown; meaſuring them both by the equal balance of the laws; which by the provident care of our Anceſtors, and the happy ſettlement at the Revolution, have ſo fixed their juſt limits, and moderated the extent of their influence,

that they mutually defend and preſerve, but can never deſtroy each other without a general ruin.

In a nation like ours, which, from the natural effect of freedom, is divided into oppoſite parties, though particular attachments to certain principles, or friendſhips with certain men will ſometimes draw the beſt Citizens into meaſures of a ſubordinate kind, which they cannot wholly approve; yet whatever envy Your Lordſhip may incur on that account, You will be found, on all occaſions of trial, a true friend to our conſtitution both in Church and State; which I have heard You demonſtrate with great force, to be the bulwark of our common peace and proſperity. From this fundamental point, no engagements will ever move, or intereſt draw You; and though men inflamed by oppoſition are apt to charge each other with deſigns, which were never dreamt of perhaps by either ſide, yet if there be any, who know ſo little of You, as to diſtruſt Your principles, they may depend at leaſt on Your judgment, that it can never ſuffer a perſon of Your Lordſhip's rank, born to ſo large a ſhare

of

of the property, as well as the honors of the nation, to think any private intereſt an equivalent, for conſenting to the ruin of the public.

I MENTION this, my Lord, as an additional reaſon for preſenting You with *the Life of* CICERO: for were I not perſuaded of Your Lordſhip's ſincere love of liberty, and zeal for the happineſs of Your fellow citizens, it would be a reproach to You, to put into your hands the Life of a man, who in all the variety of his admirable talents, does not ſhine ſo glorious in any, as in his conſtant attachment to the true intereſts of his country, and the noble ſtruggle that he ſuſtained, at the expence even of his life, to avert the impending tyranny, that finally oppreſſed it.

BUT I ought to aſk your Lordſhip's pardon for dwelling ſo long upon a character, which is known to the whole kingdom, as well as to myſelf; not onely by the high Office, which You fill, and the eminent dignity that You bear in it, but by the ſprightly compoſitions of various kinds, with which your Lordſhip

has often entertained it. It would be a preſumption, to think of adding any honor to Your Lordſhip by my pen, after You have acquired ſo much by Your own. The chief deſign of my Epiſtle is, to give this public teſtimony of my thanks for the ſignal marks of friendſhip, with which Your Lordſhip has long honored me; and to intereſt Your name, as far as I can, in the fate and ſucceſs of my work: by letting the world know, what a ſhare You had in the production of it; that it owed it's being to Your encouragement; correctneſs to Your pencil; and what many will think the moſt ſubſtantial benefit, it's large ſubſcription to your authority. For though, in this way of publiſhing it, I have had the pleaſure to find myſelf ſupported by a noble liſt of generous friends, who, without being ſollicited, or even aſked by me, have promoted my ſubſcription with an uncommon zeal, yet Your Lordſhip has diſtinguiſhed Yourſelf the moſt eminently of them, in contributing not onely to the number, but the ſplendor of the names, that adorn it.

NEXT to that little reputation, with which the public has been pleaſed to favor me, the benefit of this ſubſcription is the chief fruit, that I have ever reaped from my ſtudies. I am indebted for the firſt to CICERO, for the ſecond, to Your Lordſhip: it was CICERO, who inſtructed me to write; Your Lordſhip, who rewards me for writing: the ſame motive therefore, which induced me to attempt the hiſtory of the one, engages me to dedicate it to the other; that I may expreſs my gratitude to you both, in the moſt effectual manner, that I am able, by celebrating the memory of the dead, and acknowledging the generoſity of my living Benefactor.

I HAVE received great civilities, on ſeveral occaſions, from many noble perſons, of which I ſhall ever retain a moſt gratefull ſenſe; but Your Lordſhip's accumulated favors have long ago riſen up to the character of obligations, and made it my perpetual duty, as it had always been my ambition,

bition, to profeſs myſelf with the greateſt truth and reſpect,

My Lord,

Your Lordſhip's

Moſt obliged and

Devoted Servant,

Conyers Middleton.



PREFACE.

THERE is no part of Hiſtory, which ſeems capable of yielding either more inſtruction or entertainment, than that, which offers to us the ſelect lives *of great and virtuous men, who have made an eminent figure on the public ſtage of the world. In theſe we ſee at one view, what the annals of a whole age can afford, that is worthy of notice; and in the wide field of univerſal Hiſtory, ſkipping as it were over the barren places, gather all it's flowers, and poſſeſs ourſelves at once of every thing that is good in it.*

But there is one great fault, which is commonly obſerved in the writers of particular lives; *that they are apt to be*

partial

partial and prejudiced in favor of their ſubject, and to give us a panegyric, inſtead of a Hiſtory. They work up their characters, as Painters do their portraits; taking the praiſe of their art to conſiſt, not in copying, but in adorning nature; not in drawing a juſt reſemblance, but giving a fine picture; or exalting the man into the Hero: and this indeed ſeems to flow from the nature of the thing itſelf; where the very inclination to write is generally grounded on prepoſſeſſion, and an affection already contracted for the perſon, whoſe hiſtory we are attempting; and when we ſit down to it with the diſpoſition of a friend, it is natural for us, to caſt a ſhade over his failings; to give the ſtrongeſt coloring to his virtues; and out of a good character, to endeavour to draw a perfect one.

I am ſenſible, that this is the common prejudice of Biographers, *and have endeavoured therefore to diveſt myſelf of it, as far as I was able; yet dare not take upon me to affirm, that I have kept myſelf wholly clear from it; but ſhall leave the deciſion of that point to the judgement of the reader: for I muſt be ſo ingenuous as to own, that when I formed the plan of this work, I was previouſly poſſeſſed with a very favorable opinion of* Cicero; *which, after the ſtricteſt ſcrutiny, has been greatly confirmed and heigthened in me: and in the caſe of a ſhining character, ſuch as* Cicero's, *I am perſuaded, will appear to be, it is certainly more pardonable to excede rather in our praiſes of it, out of a zeal for illuſtrious merit, than to be reſerved in doing juſtice to it, through a fear of being thought partial. But, that I might guard myſelf equally from both the extremes, I have taken care always to leave the facts to ſpeak for themſelves, and to affirm nothing of any moment without an authentic teſtimony to ſupport it; which yet, if conſulted*

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in the original at its full length, will commonly add more light and ſtrength to what is advanced, than the fragments quoted in the margin, and the brevity of notes would admit.

BUT whatever prejudices may be ſuſpected to adhere to the writer, it is certain, that in a work of this nature, he will have many more to combat in the reader. The ſcene of it is laid in a place and age, which are familiar to us from our childhood: we learn the names of all the chief actors at ſchool, and chuſe our ſeveral favorites according to our tempers or fancies; and when we are leaſt able to judge of the merit of them, form diſtinct characters of each, which we frequently retain through life. Thus MARIUS, SYLLA, CÆSAR, POMPEY, CATO, CICERO, BRUTUS, ANTONY, *have all their ſeveral Advocates, zealous for their fame, and ready even to quarrel for the ſuperiority of their virtues. But among the celebrated names of antiquity, thoſe of the great Conquerors and Generals attract our admiration always the moſt, and imprint a notion of magnanimity, and power, and capacity for dominion, ſuperior to that of other mortals: we look upon ſuch, as deſtined by heaven for Empire, and born to trample upon their fellow-creatures, without reflecting on the numerous evils, which are neceſſary to the acquiſition of a glory, that is built upon the ſubverſion of nations, and the deſtruction of the human ſpecies. Yet theſe are the onely perſons, who are thought to ſhine in Hiſtory, or to merit the attention of the reader: dazzled with the ſplendor of their victories, and the pomp of their triumphs, we conſider them as the pride and ornament of the* Roman *name; while the pacific and civil character, though of all others the moſt beneficial to mankind, whoſe ſole ambition is, to ſupport the laws, the rights and*

liberty of his Citizens, is looked upon as humble and contemptible on the compariſon, for being forced to truckle to the power of theſe Oppreſſors of their country.

IN the following Hiſtory therefore, if I have happened to affirm any thing, that contradicts the common opinion, and ſhocks the prejudices of the reader, I muſt deſire him to attend diligently to the authorities on which it is grounded; and if theſe do not give ſatisfaction, to ſuſpend his judgement ſtill to the end of the work; in the progreſs of which, many facts will be cleared up, that may appear at firſt perhaps uncertain and precarious: and in every thing eſpecially, that relates to CICERO, *I would recommend to him, to contemplate the whole character, before he thinks himſelf qualified to judge of it's ſeparate parts, on which the whole will always be found the ſureſt comment.*

QUINTILIAN *has given us an excellent rule, in the very caſe; that we ſhould be* modeſt and circumſpect, in paſſing a judgment on men ſo illuſtrious, leſt, as it happens to the generality of cenſurers, we be found at laſt to condemn, what we do not underſtand [*a*]. *There is another reflection likewiſe very obvious, which yet ſeldom has it's due weight; that a writer on any part of Hiſtory, which he has made his particular ſtudy, may be preſumed to be better acquainted with it, than the generality of his readers; and when he aſſerts a fact, that does not ſeem to be well grounded, it may fairly be imputed, till a good reaſon appears to the contrary, to a more extenſive view of his ſubject; which, by making it clear to himſelf, is apt to perſuade him, that it is equally clear to every body elſe; and that a fuller explication of it would conſequently be unneceſſary. If theſe conſidera-*

[*a*] Modeſte tamen & circumſpecto judicio de tantis viris pronunciandum eſt, ne, quod pleriſque accidit, damnent, quæ non intelligunt. Quintil. Inſtit. x. 1.

conſiderations, which are certainly reaſonable, have but their proper influence, I flatter myſelf, that there will be no juſt cauſe to accuſe me of any culpable biaſs in my accounts of things or perſons, or of any other favor to the particular character of CICERO, *than what common humanity will naturally beſtow upon every character, that is found upon the whole to be both great and good.*

IN drawing the characters of a number of perſons, who all lived in the ſame City, at the ſame time; trained by the ſame diſcipline, and engaged in the ſame purſuits; as there muſt be many ſimilar ſtrokes, and a general reſemblance in them all, ſo the chief difficulty will be, to prevent them from running into too great an uniformity. This I have endeavoured to do, not by forming ideal pictures, or ſuch as would pleaſe and ſurprize; but by attending to the particular facts, which hiſtory has delivered of the men, and tracing them to their ſource, or to thoſe correſpondent affections, from which they derived their birth: for theſe are the diſtinguiſhing features of the ſeveral perſons; which when duly repreſented, and placed in their proper light, will not fail to exhibit that preciſe difference, in which the peculiarity of each character conſiſts.

AS to the nature of my work, though the title of it carries nothing more, than the Hiſtory of CICERO's Life, *yet it might properly enough be called,* the Hiſtory of CICERO's Times: *ſince from his firſt advancement to the public Magiſtracies, there was not any thing of moment tranſacted in the ſtate, in which he did not bear an eminent part: ſo that, to make the whole work of a piece, I have given a ſummary account of the* Roman *affairs, during the time even of his minority; and agreeably to what I promiſed in my propoſals, have carried on a ſeries of Hiſtory, through*

a period of above ſixty years, *which for the importance of the events, and the dignity of the perſons concerned in them, is by far the moſt intereſting of any in the Annals of* Rome.

IN the execution of this deſign, I have purſued, as cloſely as I could, that very plan, which CICERO *himſelf had ſketched out, for the model of a complete Hiſtory. Where he lays it down as a fundamental law,* "*that the writer* "*ſhould not dare to affirm what was falſe, or to ſuppreſs* "*what was true; nor give any ſuſpicion either of favor or* "*diſaffection: that in the relation of facts, he ſhould* "*obſerve the order of time, and ſometimes add the deſcrip-* "*tion of places; ſhould firſt explane the counſils; then the* "*acts; and laſtly the events of things: that in the coun-* "*ſils, he ſhould interpoſe his own judgement on the merit* "*of them; in the acts, relate not onely what was done, but* "*how it was done; in the events, ſhew what ſhare chance,* "*or raſhneſs, or prudence had in them: that he ſhould* "*deſcribe likewiſe the particular characters of all the great* "*perſons, who bear any conſiderable part in the ſtory;* "*and ſhould dreſs up the whole in a clear and equable* "*ſtile, without affecting any ornament, or ſeeking any* "*other praiſe but of perſpicuity.*" *Theſe were the rules that* CICERO *had drawn up for himſelf, when he was meditating* a general Hiſtory of his Country, *as I have taken occaſion to mention more at large in it's proper place.*

BUT as I have borrowed my plan, ſo I have drawn my materials alſo from CICERO: *whoſe works are the moſt authentic monuments that remain to us, of all the great tranſactions of that age; being the original accounts of one, who himſelf was not onely a ſpectator, but a principal actor in them. There is not a ſingle part of his writings, which*

does

does not give ſome light, as well into his own Hiſtory, as into that of the Republic: but his familiar Letters, *and above all, thoſe to* ATTICUS, *may juſtly be called* the memoirs of the times; *for they contain, not onely a diſtinct account of every memorable event, but lay open the ſprings and motives, whence each of them proceeded; ſo that, as a polite writer, who lived in that very age, and perfectly knew the merit of theſe Letters, ſays,* the man, who reads them, will have no occaſion for any other Hiſtory of thoſe times [*b*].

MY firſt buſineſs therefore, after I had undertaken this taſk, was, to read over CICERO's *works, with no other view, than to extract from them all the paſſages that ſeemed to have any relation to my deſign: where the tediouſneſs of collecting an infinite number of teſtimonies, ſcattered through many different volumes; of ſorting them into their claſſes, and ranging them in proper order; the neceſſity of overlooking many in the firſt ſearch, and the trouble of retrieving them in a ſecond or third; and the final omiſſion of ſeveral through forgetfullneſs or inadvertency; have helped to abate that wonder, which had often occurred to me, why no man had ever attempted the ſame work before me, or at leaſt in this enlarged and comprehenſive form, in which it is now offered to the public.*

IN my uſe of theſe materials, I have choſen to inſert as many of them as I could, into the body of my work; imagining, that it would give both a luſtre and authority to a ſentiment, to deliver it in the perſon and the very words of CICERO: *eſpecially, if they could be managed ſo, as not to appear*

[*b*] Sexdecim Volumina Epiſtolarum ab Conſulatu ejus uſque ad extremum tempus ad Atticum miſſarum; quæ qui legat, non multum deſideret hiſtoriam contextam eorum temporum. Sic enim omnia de ſtudiis principum, vitiis ducum, ac mutationibus Reipub. perſcripta ſunt, ut nihil in his non appareat. Corn. Nep. in vit. Attici. 16.

appear to be ſewed on, *like* ſplendid patches, *but woven originally into the text, as the genuin parts of it. With this view I have taken occaſion to introduce ſeveral of his Letters, with large extracts from ſuch of his orations, as gave any particular light into the facts, or cuſtoms, or characters deſcribed in the Hiſtory, or which ſeemed on any other account to be curious and entertaining. The frequent introduction of theſe may be charged perhaps to lazineſs, and a deſign of ſhortening my pains, by filling up my ſtory with* Cicero's *words inſtead of my own: but that was not the caſe; nor has this part of the taſk been the eaſieſt to me; as thoſe will readily believe, who have ever attempted to tranſlate the claſſical writers of* Greece *or* Rome: *where the difficulty is, not ſo much to give their ſenſe, as to give it in their language; that is, in ſuch as is analagous to it, or what they might be ſuppoſed to ſpeak, if they were living at this time; ſince a ſplendor of ſtile, as well as of ſentiments, is neceſſary to ſupport the idea of a fine writer. While I am repreſenting* Cicero *therefore as the moſt eloquent of the ancients, flowing with a perpetual eaſe and delicacy, and fullneſs of expreſſion, it would be ridiculous to produce no other ſpecimen of it, but what was ſtiff and forced, and offenſive to a polite reader: yet this is generally the caſe of our modern verſions; where the firſt wits of Antiquity are made to ſpeak ſuch* Engliſh, *as an* Engliſhman *of taſt would be aſhamed to write on any original ſubject. Verbal tranſlations are always inelegant* [c], *and neceſſarily deſtroy all the beauty of language; yet by departing too wantonly from the letter, we are apt to vary the ſenſe, and mingle ſomewhat of our own: tranſlators of low genius*

[c] Nec tamen exprimi verbum e verbo neceſſe erit, ut interpretes indiſerti ſolent. Cic. de Finib. 3. 4.

genius never reach beyond the firſt; but march from word to word, without making the leaſt excurſion, for fear of loſing themſelves; while men of ſpirit, who prefer the ſecond, uſually contemn the mere taſk of tranſlating, and are vain enough to think of improving their Author. I have endeavoured to take the middle way; and made it my firſt care always, to preſerve the ſentiment; and my next, to adhere to the words, as far as I was able to expreſs them, in an eaſy and natural ſtile; which I have varied ſtill agreeably to the different ſubject, or the kind of writing, on which I was employed: and I perſuade myſelf, that the many original pieces, which I have tranſlated from CICERO, *as they are certainly the moſt ſhining, ſo will be found alſo the moſt uſeful parts of my work, by introducing the reader the oftener into the company of one, with whom no man ever converſed, as a very eminent writer tells us, without* coming away the better for it [*d*].

AFTER I had gone through my review of CICERO's *writings, my next recourſe was to the other Ancients, both* Greeks *and* Romans, *who had touched upon the affairs of that age. Theſe ſerved me chiefly, to fill up the interſtices of general Hiſtory, and to illuſtrate ſeveral paſſages, which were but ſlightly mentioned by* CICERO; *as well as to add ſome ſtories and circumſtances, which tradition had preſerved, concerning either* CICERO *himſelf, or any of the chief Actors, whoſe characters I had delineated.*

BUT the Greek *Hiſtorians, who treat profeſſedly of theſe times,* PLUTARCH, APPIAN, DIO, *though they are all very uſefull for illuſtrating many important facts of ancient Hiſtory, which would otherwiſe have been loſt, or imperfectly tranſmitted*

[*d*] Quis autem ſumpſit hujus libros in manum, quin ſurrexerit animo ſedatiore? Eraſm. Ep. ad Jo. Ulatten.—

tranſmitted to us, are not yet to be read without ſome caution; as being ſtrangers to the language, and cuſtoms of Rome; *and liable to frequent miſtakes, as well as ſubject to prejudices in their relation of* Roman *affairs.* PLUTARCH *lived from the reign of* CLAUDIUS, *to that of* HADRIAN; *in which he died very old, in the poſſeſſion of the Prieſthood of the* Delphic Apollo: *and though he is ſuppoſed to have reſided in* Rome *near forty years at different times, yet he never ſeems to have acquired a ſufficient ſkill in the* Roman language, *to qualify himſelf for the compiler of a* Roman Hiſtory. *But if we ſhould allow him all the talents requiſite to an Hiſtorian, yet the attempt of writing* the lives of all the illuſtrious Greeks and Romans, *was above the ſtrength of any ſingle man, of what abilities and leiſure ſoever; much more of one, who, as he himſelf tells us, was ſo engaged in public buſineſs, and in giving lectures of philoſophy to the great men of* Rome, that he had not time to make himſelf maſter of the *Latin* tongue; nor to acquire any other knowledge of it's words, than what he had gradually learnt by a previous uſe and experience of things [*e*]: *his work therefore, from the very nature of it, muſt needs be ſuperficial and imperfect, and the ſketch rather than the completion of a great deſign.*

THIS we find to be actually true in his account of CICERO'S life, *where beſides the particular miſtakes, that have been charged upon him by other writers, we ſee all the marks of haſt, inaccuracy, and want of due information, from the poverty and perplexity of the whole performance. He huddles over* CICERO's *greateſt acts in a ſummary and negligent manner, yet dwells upon* his dreams and his jeſts, *which for the greateſt part were probably ſpurious; and in the laſt*

[*e*] Vid. Plutarch. in vit. Demoſthen. init. & vit. Plutarchi per Rualdum. c. 14.

laſt ſcene of his life, which was of all the moſt glorious, when the whole counſils of the Empire, and the fate and liberty of Rome *reſted on his ſhoulders, there he is more particularly trifling and empty; where he had the faireſt opportunity of diſplaying his Character to advantage, as well as of illuſtrating a curious part of Hiſtory, which has not been well explaned by any writer; though there are the ampleſt materials for it in* CICERO's Letters and Philippic Orations, *of which* PLUTARCH *appears to have made little or no uſe.*

APPIAN *floriſhed likewiſe in the reign of* HADRIAN [*f*], *and came to* Rome *probably about the time of* PLUTARCH's *death, while his works were in every body's hands; which he has made great uſe of, and ſeems to have copied very cloſely in the moſt conſiderable paſſages of his Hiſtory.*

DIO CASSIUS *lived ſtill later, from the time of the* Antonines *to that of* ALEXANDER SEVERUS; *and beſides the exceptions, that lie againſt him in common with the other two, is obſerved to have conceived a particular prejudice againſt* CICERO; *whom he treats on all occaſions with the utmoſt malignity. The moſt obvious cauſe of it ſeems to be, his envy to a man, who for arts and eloquence was thought to eclipſe the fame of* Greece; *and by explaning all the parts of Philoſophy to the* Romans *in their own language, had ſuperſeded in ſome meaſure the uſe of the* Greek *learning and lectures at* Rome, *to which the hungry wits of that nation owed both their credit and their bread. Another reaſon, not leſs probable, may be drawn likewiſe from* DIO's *character and principles, which were wholly oppoſite to thoſe of* CICERO: *he floriſhed under the moſt tyrannical of the Emperors, by whom he was advanced to great dignity;*

[*f*] Vid. App. de Bell. civ. l. 2. p. 481.

and being the creature of deſpotic power, thought it a proper compliment to it, to depreciate a name, ſo highly revered for it's patriotiſm; and whoſe writings tended to revive that ancient zeal and ſpirit of liberty, for which the people of Rome *were once ſo celebrated: for we find him taking all occaſions in his Hiſtory, to prefer an* abſolute and monarchical government, to a free and democratical one, *as the moſt beneficial to the* Roman *ſtate* [g].

THESE were the grounds of Dio's *malice to* Cicero, *which is exerted often ſo abſurdly, that it betrays and confutes itſelf. Thus in the debates of the Senate about* Antony, *he dreſſes up a ſpeech for* Fufius Calenus, *filled with all the obſcene and brutal ribaldry againſt* Cicero, *that a profligate mind could invent; as if it were poſſible to perſuade any man of ſenſe, that ſuch infamous ſtuff could be ſpoken in the Senate, at a time, when* Cicero *had an intire aſcendant in it, who at no time ever ſuffered the leaſt inſult upon his honor, without chaſtiſing the aggreſſor for it upon the ſpot: whereas* Cicero's *ſpeeches in theſe very debates, which are ſtill extant, ſhew, that though they were managed with great warmth of oppoſition, yet it was always with decency of language between him and* Calenus; *whom while he reproves and admoniſhes with his uſual freedom, yet he treats with civility, and ſometimes even with compliments* [h].

BUT a few paſſages from Dio *himſelf will evince the juſtice of this cenſure upon him: "he calls* Cicero's *father, "a Fuller,*

[g] Vid. Dio. l. 44. init.

[h] Nam quod me tecum iracunde agere dixiſti ſolere, non eſt ita. Vehementer me agere fateor; iracunde nego: omnino iraſci amicis non temere ſoleo, ne ſi merentur quidem. Itaque ſine verborum contumelia a te diſſentire poſſum, ſine animi ſummo dolore non poſſum. [Phil. 8. 5.] Satis multa cum Fufio, ac ſine odio omnia; nihil ſine dolore. [ib. 6.] Quapropter ut invit s ſæpe diſſenſi a Q. Fufio, ita ſum libenter aſſenſus ejus ſententiæ: ex quo judicare debetis me non cum homine ſolere, ſed cum cauſa diſſidere. Itaque non aſſentior ſolum, ſed etiam gratias ago Q. Fufio, &c. Phil. xi. 6.

" *a Fuller, who yet got his livelihood,* he ſays, *by dreſſing*
" *other people's vines and olives; that* CICERO *was born*
" *and bred amidſt the ſcourings of old cloaths, and the filth*
" *of dunghills; that he was maſter of no liberal ſcience,*
" *nor ever did a ſingle thing in his life, worthy of a great*
" *man, or an Orator: that he proſtituted his wife; trained*
" *up his ſon in drunkenneſs; committed inceſt with his*
" *daughter; lived in adultery with* CERELLIA; *whom he*
" *owns at the ſame time to be* ſeventy years old [*i*]:" *all which palpable lies, with many more of the ſame ſort, that he tells of* CICERO, *are yet full as credible as what he declares afterwards of himſelf, that* he was admoniſhed and commanded by a viſion from heaven, *againſt his own will and inclination, to undertake the taſk of writing his Hiſtory* [*k*].

UPON theſe collections from CICERO *and the other Ancients, I finiſhed the firſt draught of my Hiſtory, before I began to inquire after the modern writers, who had treated the ſame ſubject before me, either in whole or in part. I was unwilling to look into them ſooner, leſt they ſhould fix any prejudice inſenſibly upon me, before I had formed a diſtinct judgement on the real ſtate of the facts, as they appeared to me from their original records. For in writing Hiſtory, as in Travels, inſtead of tranſcribing the relations of thoſe, who have trodden the ſame ground before us, we ſhould exhibit a ſeries of obſervations, peculiar to ourſelves; ſuch as the facts and places ſuggeſted to our own minds from an attentive ſurvey of them, without regard to what any one elſe may have delivered about them: and though in a production of this kind, where the ſame materials are common to all, many things muſt neceſſarily be ſaid, which had*

 been

[*i*] Vid. Dio. l. 46. p. 295, &c. [*k*] Ibid. l. 73. p. 828.

been obſerved already by others; yet if the author has any genius, there will always be enough of what is new, to diſtinguiſh it as an original work, and to give him a right to call it his own, which I flatter myſelf will be allowed to me in the following Hiſtory. In this inquiry after the modern pieces, which had any connection with my argument, I got notice preſently of a greater number than I expected, which bore the title of CICERO*'s life; but upon running over as many of them as I could readily meet with, I was cured of my eagerneſs for hunting out the reſt; ſince I perceived them to be nothing elſe, but either trifling panegyrics on* CICERO*'s general character, or imperfect abſtracts of his principal acts, thrown together within the compaſs of a few pages in duodecimo.*

THERE are two books however, which have been of real uſe to me, Sebaſtiani Corradi Quæſtura, *and* M. T. Ciceronis Hiſtoria a Franciſco Fabricio: *the firſt was the work of an* Italian *Critic of eminent learning, who ſpent a great part of his life in explaning* CICERO*'s writings; but it is rather* an apology for CICERO, *than* the Hiſtory of his life; *it's chief end being to vindicate* CICERO*'s character from all the objections, that have ever been made to it; and particularly from the miſrepreſentations of* PLUTARCH, *and the calumnies of* DIO. *The piece is learned and ingenious, and written in good* Latin; *yet the dialogue is carried on with ſo harſh and forced an* Allegory, *of a Quæſtor or Treaſurer producing the ſeveral teſtimonies of* CICERO*'s acts, under the form of* genuin money, *in oppoſition to the* ſpurious coins of the *Greek* Hiſtorians, *that none can read it with pleaſure, few with patience: the obſervations however are generally juſt and well grounded, except that the Author's zeal for* CICERO*'s honor gets the better ſometimes of his judgement,*

judgement, and draws him into a defence of his conduct, where CICERO *himself has even condemned it.*

FABRICIUS's Hiſtory *is prefixed to ſeveral editions of* CICERO's *works, and is nothing more than a bare detail of his acts and writings, digeſted into exact order, and diſtinguiſhed by* the years of *Rome* and of CICERO's life, *without any explication or comment, but what relates to the ſettlement of the time, which is the ſole end of the work. But as this is executed with diligence and accuracy, ſo it has eaſed me of a great ſhare of that trouble, which I muſt otherwiſe have had, in ranging my materials into their proper places; in which taſk however I have always taken care to conſult alſo* the Annals of PIGHIUS.

I did not forget likewiſe to pay a due attention to the *French* Authors, *whoſe works happened to coincide with any part of mine; particularly,* the Hiſtory of the two Triumvirates; of the Revolutions of the *Roman* Government; and of the Exil of CICERO --- *which are all of them ingenious and uſefull; and have given a fair account of the general ſtate of the facts, which they profeſs to illuſtrate. But as I had already been at the fountain head, whence they had all drawn their materials, ſo the chief benefit, that I received from them, was to make me review with ſtricter care the particular paſſages, in which I differed from them; as well as to remind me of ſome few things, which I had omitted, or touched perhaps more ſlightly than they deſerved. But the Author of* the Exil *has treated his argument the moſt accurately of them, by ſupporting his ſtory, as he goes along, with original teſtimonies from the old authors; which is the onely way of writing Hiſtory that can give ſatisfaction, or carry conviction along with it, by laying open the ground on which it is built; without which Hiſtory aſ-*

ſumes

ſumes the air of Romance, and makes no other impreſſion, than in proportion to our opinion of the judgement and integrity of the Compiler.

THERE is a little piece alſo in our own language, called, Obſervations on the life of CICERO; *which, though it gives a very different account of* CICERO, *from what I have done, yet I could not but read with pleaſure, for the elegance and ſpirit, with which it is written by one, who appears to be animated with a warm love of virtue. But to form our notions of a great man, from ſome ſlight paſſages of his writings, or ſeparate points of conduct, without regarding their connection with the whole, or the figure, that they make in his general character, is like examining things in a microſcope, which were made to be ſurveyed in the groſs: every mole riſes into a mountain, and the leaſt ſpot into a deformity; which vaniſh again into nothing, when we contemplate them through their proper medium, and in their natural light. I perſuade myſelf therefore, that a perſon of this writer's good ſenſe and principles, when he has conſidered* CICERO's *whole Hiſtory, will conceive a more candid opinion of the man, who after a life ſpent in a perpetual ſtruggle againſt vice, faction and tyranny, fell a Martyr at laſt to the liberty of his country.*

AS I have had frequent occaſion to recommend the uſe of CICERO's Letters to ATTICUS, *for their giving the cleareſt light into the Hiſtory of thoſe times; ſo I muſt not forget to do juſtice to the pains of one, who by an excellent tranſlation and judicious comment upon them, has made that uſe more obvious and acceſſible to all: I mean the learned Mr.* MONGAULT; *who not content with retailing the remarks of other Commentators, or out of the rubbiſh of their volumes, with ſelecting the beſt, enters upon his taſk with the ſpirit of a*

true

true Critic, and by the force of his own genius, has happily illuſtrated many paſſages, which all the interpreters before him had given up as inexplicable. But ſince the obſcurity of theſe Letters is now in great meaſure removed by the labors of this gentleman, and eſpecially to his own Countrymen, for whoſe particular benefit, and in whoſe language he writes; one cannot help wondering, that the Jeſuits, Catrou *and* Rouillè, *ſhould not think it worth while, by the benefit of his pains, to have made themſelves better acquainted with them; which, as far as I am able to judge from the little part of their Hiſtory, that I have had the curioſity to look into, would have prevented ſeveral miſtakes, which they have committed, with regard both to the facts and perſons of the* Ciceronian *age.*

BUT inſtead of making free with other people's miſtakes, it would become me perhaps better to beſpeak ſome favor for my own. An Hiſtorian, *ſays* DIODORUS SICULUS, may eaſily be pardoned for ſlips of ignorance, ſince all men are liable to them, and the truth hard to be traced from paſt and remote ages: but thoſe, who neglect to inform themſelves, and through flattery to ſome, or hatred to others, knowingly deviate from the truth, juſtly deſerve to be cenſured. *For my part, I am far from pretending to be exempt from errors: all that I can ſay, is, that I have committed none willfully, and uſed all the means, which occurred to me, of defending myſelf againſt them: but ſince there is not a ſingle Hiſtory, either ancient or modern, that I have conſulted on this occaſion, in which I cannot point out ſeveral, it would be arrogant in me to imagine, that the ſame inadvertency, or negligence, or want of judgement, may not be diſcovered alſo in mine: if any man therefore will admoniſh me of them with candor, I ſhall think myſelf obliged to him,*

as

as a friend to my work, for aſſiſting me to make it more perfect, and conſequently more uſefull: for my chief motive in undertaking it was, not to ſerve any particular cauſe, but to do a general good, by offering to the public the example of a character, which of all, that I am acquainted with in Antiquity, is the moſt accompliſhed with every talent, that can adorn civil life; and the beſt fraught with leſſons of prudence and duty, for all conditions of men, from the Prince to the private Scholar.

IF my pains therefore ſhould have the effect, which I propoſe, of raiſing a greater attention to the name and writings of CICERO, *and making them better underſtood and more familiar to our youth; I cannot fail of gaining my end: for the next ſtep to admiring is, to imitate; and it is not poſſible to excite an affection for* CICERO, *without inſtilling an affection at the ſame time for every thing that is laudable: ſince how much ſoever people may differ in their opinion of his conduct, yet all have conſtantly agreed in their judgement of his works; that there are none now remaining to us from the Heathen world, that ſo beautifully diſplay, and ſo forcibly recommend all thoſe generous principles, that tend to exalt and perfect human nature; the love of virtue, liberty, our country, and of all mankind.*

I cannot ſupport this reflection by a better authority, than that of Eraſmus; *who, having contracted ſome prejudices againſt* CICERO *when young, makes a recantation of them when old, in the following paſſage of a Letter to his friend* ULATTENUS [*l*].

" *WHEN I was a boy*, ſays he, *I was fonder of* " SENECA, *than of* CICERO; *and till I was twenty years* " *old, could not bear to ſpend any time in reading him;* " *while*

[*l*] Eraſm. Ep. ad Jo. Ulatt. in Cic. Tuſcul. Quæſt.

" *while all the other writers of Antiquity generally pleaſed*
" *me. Whether my judgement be improved by age, I*
" *I know not; but am certain, that* CICERO *never pleaſed*
" *me ſo much, when I was fond of thoſe juvenile ſtudies,*
" *as he does now, when I am grown old; not onely for the*
" *divine felicity of his ſtile, but the ſanctity of his heart*
" *and morals: in ſhort, he has inſpired my ſoul, and*
" *made me feel myſelf a better man. I make no ſcruple*
" *therefore, to exhort our youth, to ſpend their hours in*
" *reading and getting his books by heart, rather than in*
" *the vexatious ſquabbles and peeviſh controverſies, with*
" *which the world abounds. For my own part, though I*
" *am now in the decline of life, yet as ſoon as I have finiſhed*
" *what I have in hand, I ſhall think it no reproach to me,*
" *to ſeek a reconciliation with my* CICERO, *and renew an*
" *old acquaintance with him, which for many years has*
" *been unhappily intermitted.*

BEFORE I conclude this Preface, it will not be improper to add a ſhort abſtract, or general Idea of the *Roman* Government, *from it's firſt inſtitution by* ROMULUS, *to the time of* CICERO's *birth; that thoſe, who have not been converſant in the affairs of* Rome, *may not come intire ſtrangers to the ſubject of the following Hiſtory.*

THE Conſtitution of Rome *is very often celebrated by* CICERO, *and other writers, as the moſt perfect of all governments; being happily tempered and compoſed of* the three different ſorts, *that are uſually diſtinguiſhed from each other*; the Monarchical, the Ariſtocratical, and the popular [*m*]. *Their King was elected by the people, as the*

[*m*] Statuo eſſe optime conſtitutam Rempub. quæ ex tribus generibus illis, regali, optimo, & populari, confuſa modice —— Fragm. de Rep. 2.

Cum in illis de Repub. libris perſuadere videatur Africanus, omnium Rerum publicarum noſtram veterem illam fuiſſe optimam. De Legib. 2. 10. Polyb. l. 6. p. 460. Dionyſ. Hal. l. 2. 82.

Head of the Republic; to be their leader in war, the guardian of the laws in peace: the Senate was his council, choſen alſo by the people, by whoſe advice he was obliged to govern himſelf in all his meaſures: but the ſovereinty was lodged in the body of the Citizens, or the general ſociety whoſe prerogative it was, to enact laws, create Magiſtrates, declare war [*n*]; *and to receive* appeals *in all caſes, both from the King and the Senate. Some writers have denied this right of* an Appeal to the people: *but* CICERO *expreſſly mentions it among* the Regal conſtitutions, *as old as the foundation of the City* [*o*]; *which he had demonſtrated more at large in his Treatiſe* on the Republic; *whence* SENECA *has quoted a paſſage in confirmation of it; and intimates, that the ſame right was declared likewiſe in* the Pontifical books [*p*]. VALERIUS MAXIMUS *gives us an inſtance of it, which is confirmed alſo by* LIVY, *that* HORATIUS being condemned to die by King TULLUS, for killing his ſiſter, was acquitted upon his appeal to the people [*q*].

THIS was the original conſtitution of Rome, *even under their Kings: for in the foundation of a ſtate, where there was no force to compel, it was neceſſary to invite men into it by all proper encouragements; and none could be ſo effectual, as the aſſurance of liberty, and the privilege of making their own laws* [*r*]. *But the Kings, by gradual encroach-*

[*n*] Dionyſ. Hal. l. 1. 87.

[*o*] Nam cum a primo Urbis ortu, regiis inſtitutis, partim etiam legibus, auſpicia, cæremoniæ, comitia, *provocationes*—divinitus eſſent inſtituta. Tuſc. Quæſt. 4. 1.

[*p*] Cum Ciceronis libros de Repub. prehendit—notat, *Provocationem* ad populum etiam a regibus fuiſſe. Id ita in *Pontificalibus libris* aliqui putant & Feneſtella. Senec. Ep. 108.

[*q*] M. Horatius interfectæ ſororis crimine a Tullo Rege damnatus, ad populum provocato judicio abſolutus eſt. Val. M. l. 8. 1. vid. Liv. 1. 26.

[*r*] ROMULUS ſeems to have borrowed the plan of his new ſtate from the old government of *Athens*, as it was inſtituted by THESEUS; who pravailed with the diſperſed tribes and families of *Attica* to form themſelves into one City, and live within the ſame walls, under a free and popular government; diſtributing it's rights and honors promiſcuouſly to them all; and reſerving no other prerogative to himſelf but to be *their Captain in war, and the guardian of their laws*, &c. vid. Plutarch. in Theſeo. p. xi.

encroachments, having uſurped the whole adminiſtration to themſelves, and by the violence of their government, being grown intolerable to a City, trained to liberty and arms, were finally expelled by a general inſurrection of the Senate and the People. This was the ground of that invincible fierceneſs, and love of their country in the old Romans, *by which they conquered the world: for the ſuperiority of their civil rights naturally inſpired a ſuperior virtue and courage to defend them; and made them of courſe the braveſt, as long as they continued the freeſt of all nations.*

BY this revolution of the Government, their old conſtitution was not ſo much changed, as reſtored to it's primitive ſtate: for though the name of King was aboliſhed, yet the power was retained; with this onely difference, that inſtead of a ſingle perſon choſen for life, there were two choſen annually, whom they called Conſuls; *inveſted with all the prerogatives and enſigns of Royalty, and preſiding in the ſame manner in all the affairs of the Republic* [s]: *when to convince the Citizens, that nothing was ſought by the change, but to ſecure their common liberty; and to eſtabliſh their ſovereinty again on a more ſolid baſis; one of the firſt conſuls,* P. Valerius Poplicola, *confirmed by a new law,* their fundamental right of an appeal to them in all caſes; *and by a ſecond law, made it capital for any man, to exerciſe a Magiſtracy in* Rome, *without their ſpecial appointment* [t]: *and as a public acknowledgement of their ſupreme authority, the ſame Conſul never appeared in any aſſembly of the people, without* bowing his faſces or maces *to them; which was afterwards the conſtant practice of all ſucceeding*

 Conſuls.

[s] Sed quoniam regale civitatis genus, probatum quondam, non tam regni, quam regis vitiis repudiatum eſt; nomen tamen videbitur regis repudiatum, res manebit, ſi unus omnibus reliquis Magiſtratibus imperabit. De Legib. 3. 7.

[t] Dionyſ. Hal. l. 5. 292.

Conſuls [*u*]. *Thus the Republic reaped all the benefit of a Kingly Government, without the danger of it; ſince the Conſuls, whoſe reign was but annual and accountable, could have no opportunity of invading it's liberty, and erecting themſelves into Tyrants.*

BY the expulſion of the Kings, the City was divided into two great parties, the Ariſtocratical, and the popular; *or* the Senate and the Plebeians [*x*]; *naturally jealous of each other's power, and deſirous to extend their own: but the Nobles or Patricians, of whom the Senate was compoſed, were the moſt immediate gainers by the change, and with the Conſuls at their head, being now the firſt movers and adminiſtrators of all the deliberations of the ſtate, had a great advantage over the people; and within the compaſs of ſixteen years became ſo inſolent and oppreſſive, as to drive the body of* the Plebeians to that receſſion into the ſacred Mount, *whence they would not conſent to return, till they had extorted a right of creating a new order of Magiſtrates, of their own body, called* Tribuns, *inveſted with full powers to protect them from all injuries, and whoſe perſons were to be ſacred and inviolable* [*y*].

THE Plebeian party had now got a head exactly ſuited to their purpoſe; ſubject to no controul; whoſe buſineſs it was to fight their battels with the Nobility; to watch over the liberties of the Citizens; and to diſtinguiſh themſelves in their annual office, by a zeal for the popular *intereſt, in oppoſition to the* Ariſtocratical: *who, from their firſt number* five, *being encreaſed afterwards to* ten, *never left teizing*

[*u*] Vocato ad concilium populo, ſummiſſis faſcibus in concionem aſcendit. Liv. 2. 7.

[*x*] Duo genera ſemper in hac civitate fuerunt,—ex quibus alteri ſe populares, alteri optimates & haberi & eſſe voluerunt. Qui ea, quæ faciebant, quæque dicebant, jucunda multitudini eſſe volebant, populares; qui autem ita ſe gerebant, ut ſua conſilia optimo cuique probarent, optimates habebantur. Pro Sext. 45.

[*y*] Dionyſ. Hal. 6. 410.

teizing the Senate with freſh demands, till they had laid open to the Plebeian *families, a promiſcuous right to all the Magiſtracies of the Republic, and by that means a free admiſſion into the Senate.*

THUS far they were certainly in the right, and acted like true Patriots; and after many ſharp conteſts had now brought the government of Rome *to it's perfect ſtate; when it's honors were no longer confined to particular families, but propoſed equally and indifferently to every Citizen; who by his virtue and ſervices, either in war or peace, could recommend himſelf to the notice and favor of his Countrymen: while the true balance and temperament of power between the Senate and People, which was generally obſerved in regular times, and which the honeſt wiſhed to eſtabliſh in all times, was, that the Senate ſhould be the Authors and Adviſers of all the public counſils, but the people give them their ſanction and legal force.*

THE Tribuns however would not ſtop here; nor were content with ſecuring the rights of the Commons, without deſtroying thoſe of the Senate; and as oft as they were diſappointed in their private views, and obſtructed in the courſe of their ambition, uſed to recur always to the populace; whom they could eaſily inflame to what degree they thought fit, by the propoſal of factious laws for dividing the public lands to the poorer Citizens; or by the free diſtribution of corn; or the abolition of all debts; *which are all contrary to the quiet, and diſcipline, and public faith of ſocieties. This abuſe of the Tribunician power was carried to it's greateſt height by the* two Gracchi, *who left nothing unattempted, that could mortify the Senate, or gratify the People* [z]; *till by their* agrarian laws, *and other ſeditious acts,*

[z] Nihil immotum, nihil tranquillum, nihil quietum denique in eodem ſtatu relinquebat, &c. Vell. P. 2. 6.

acts, which were greedily received by the City, they had in great measure overturned that æquilibrium of power in the Republic, on which it's peace and prosperity depended.

BUT the violent deaths of these two Tribuns, and of their principal adherents, put an end to their sedition; and was the first civil blood, that was spilt in the streets of Rome, *in any of their public dissensions; which till this time had always been composed by the methods of patience and mutual concessions. It must seem strange to observe, how these two illustrious Brothers, who, of all men, were the dearest to the* Roman *people, yet upon the first resort to arms, were severally deserted by the multitude, in the very heigth of their authority, and suffered to be cruelly massacred in the face of the whole City: which shews, what little stress is to be laid on the assistance of the populace, when the dispute comes to blows; and that sedition, though it may often shake, yet will never destroy a free state, while it continues unarmed, and unsupported by a military force. But this vigorous conduct of the Senate, though it seemed necessary to the present quiet of the City, yet soon after proved fatal to it; as it taught all the ambitious, by a most sensible experiment, that there was no way of supporting an usurped authority, but by force: so that from this time, as we shall find in the following story, all those, who aspired to extraordinary powers, and a dominion in the Republic, seldom troubled themselves with what the Senate or People were voting at* Rome, *but came attended by armies to enforce their pretensions, which were always decided by the longest sword.*

THE popularity of the Gracchi *was grounded on the real affections of the people, gained by many extraordinary privileges, and substantial benefits conferred upon them:*

but.

but when force was found neceſſary to controul the authority of the Senate, and to ſupport that intereſt, which was falſely called popular, inſtead of courting the multitude by real ſervices and beneficial laws, it was found a much ſhorter way, to corrupt them by money; a method wholly unknown in the times of the Gracchi; *by which the men of power had always a number of mercenaries at their devotion, ready to fill the Forum at any warning; who by clamor and violence carried all before them in the public aſſemblies, and* came prepared to ratify whatever was propoſed to them [*a*]: *this kept up the form of a legal proceding; while by the terror of arms, and a ſuperior force, the Great could eaſily ſupport, and carry into execution, whatever votes they had once procured in their favor by faction and bribery.*

AFTER the death of the younger Gracchus, *the Senate was perpetually laboring to reſcind, or to moderate the laws, that he had enacted to their prejudice; eſpecially one, that affected them the moſt ſenſibly, by taking from them* the right of judicature; *which they had exerciſed* from the foundation of *Rome*, and transferring it to the Knights. *This act however was equitable; for as the Senators poſſeſſed all the Magiſtracies and Governments of the Empire, ſo they were the men, whoſe oppreſſions were the moſt ſeverely felt, and moſt frequently complained of; yet while the judgement of all cauſes continued in their hands, it was their common practice, to favor and abſolve one another in their turns, to the general ſcandal and injury both of the ſubjects and allies; of which ſome late and notorious inſtances had given*

[*a*] Itaque homines ſeditioſi ac turbulenti—conductas habent conciones. Neque id agunt, ut ea dicant & ferant, quæ illi velint audire, qui in concione ſunt: ſed pretio ac mercede perficiunt, ut, quicquid dicant, id illi velle audire videantur. Num vos exiſtimatis, Gracchos, aut Saturninum, aut quenquam illorum veterum, qui populares habebantur, ullum unquam in concione habuiſſe conductum? Nemo habuit. Pro Sext. 49.

given a plauſible pretext for GRACCHUS's law. *But the Senate could not bear with patience, to be ſubjected to the tribunal of an inferior order; which had always been jealous of their power, and was ſure to be ſevere upon their crimes: ſo that, after many fruitleſs ſtruggles to get this law repealed,* Q. SERVILIUS CÆPIO, *who was Conſul about twenty five years after, procured at laſt a mitigation of it, by adding* a certain number of Senators to the three centuries of the Knights or Equeſtrian Judges: *with which the Senate was ſo highly pleaſed, that they honored this Conſul with the title of* their Patron [*b*]. CÆPIO's law *was warmly recommended by* L. CRASSUS, *the moſt celebrated Orator of that age, who in a ſpeech upon it to the people, defended the authority of the Senate with all the force of his eloquence: in which ſtate of things, and in this very year of* CÆPIO's *Conſulſhip,* CICERO *was born: and as* CRASSUS's *oration was publiſhed, and much admired, when he was a boy, ſo he took it, as he afterwards tells us, for* the pattern both of his eloquence, and his politics [*c*].

N. B. *In the* Faſti Conſulares *of an anonymous Author publiſhed by Cardin.* NORRIS, *the years of* Rome *and the order of the ſeveral Coſs are placed one year later than in the Annals of* PIGHIUS, *which I have followed. See Norris. Oper. T. 2. p. 595.*

[*b*] Is—conſulatus decore, maximi pontificatus ſacerdotio, ut Senatus patronus diceretur, aſſecutus. Val. M. 6. 9.

[*c*] Suaſit Serviliam legem Craſſus—ſed hæc Craſſi cum edita eſt oratio—quatuor & triginta tum habebat annos, totidemque annis mihi ætate præſtabat. Iis enim Conſulibus eam legem ſuaſit, quibus nos nati ſumus. [Brut. p. 274.] Mihi quidem a pueritia, quaſi magiſtra fuit illa in legem Cæpionis oratio: in qua & auctoritas ornatur Senatus, pro quo ordine illa dicuntur—ib. 278.



H. Gravelot. inv. et fculp.

THE HISTORY of the LIFE OF *M. TULLIUS CICERO.*

SECT. I.

MARCUS TULLIUS CICERO was born on the third of *January* [*a*], in the fix-hundred-forty-ſeventh year of *Rome*, about a hundred and ſeven years before CHRIST [*b*]. His birth, if we believe PLUTARCH, was *attended by prodigies*, foretelling the future eminence and luſter of his character, *which might have paſſed*, he ſays, *for*

Coſſ. Q. SERVILIUS COEPIO, C. ATILIUS SERRANUS.

[*a*] III Nonas Jan. natali meo. Ep. ad Att. 7. 5. it. 13. 42.

[*b*] This computation follows the common Æra of Chriſt's birth, which is placed three years later than it ought to be. *Pompey the Great* was born alſo in the ſame year on the laſt of September. Vid. Pigh. Annal. Plin. 37. 2.

for idle dreams, had not the event ſoon confirmed the truth of the prediction: but ſince we have no hint of theſe prodigies from CICERO himſelf, or any author of that age, we may charge them to the credulity, or the invention of a writer, who loves to raiſe the ſolemnity of his ſtory by the introduction of ſomething miraculous.

HIS mother was called HELVIA; a name, mentioned, in hiſtory and old inſcriptions among the honourable families of *Rome*. She was rich and well deſcended, and had a ſiſter married to a Roman Knight of diſtinguiſhed merit, C. ACULEO, an intimate friend of the Orator, L. CRASSUS, and celebrated for a ſingular knowledge of the Law; in which his ſons likewiſe, our CICERO's couſin-germans, were afterwards very eminent [*c*]. It is remarkable, that CICERO never once ſpeaks of his mother in any part of his writings; but his younger brother QUINTUS has left a little ſtory of her, which ſeems to intimate her good management and houſewifery; how *ſhe uſed to ſeal all her wine-caſks, the empty as well as the full, that when any of them were found empty and unſealed, ſhe might know them to have been emptied by ſtealth*; it being the moſt uſual theft among the Slaves of great families, to ſteal their maſter's wine out of the veſſels [*d*].

AS to his father's family, nothing was delivered of it but in extremes [*e*]: which is not to be wondered at in the hiſtory of a man, whoſe life was ſo expoſed to envy, as CICERO's, and who fell a victim at laſt to the power of his enemies. Some derive his deſcent from *Kings*, others from *mechanics* [*f*]; but the truth lay between both;

[*c*] De Orat. 1. 43. 2. 1.

[*d*] Sicut olim matrem meam facere memini, quæ lagenas etiam inanes obſignabat, ne diceretur inanes aliquæ fuiſſe, quæ furtim eſſent exſiccatæ. Ep. fam. 16. 26.

——poſſet qui ignoſcere ſervis,
Et ſigno læſo non inſanire lagenæ. Hor.

[*e*] See Plutarch's life of Cicero.

[*f*] Regia progenies & Tullo ſanguis ab alto. Sil. Ital.

both; for his family, tho' it had never born any of the great offices of the Republic, was yet *very ancient and honorable* [*g*]; of principal diſtinction and nobility in that part of *Italy*, in which it reſided; and of *Equeſtrian* rank [*h*], from it's firſt admiſſion to the freedom of *Rome*.

SOME have inſinuated, that CICERO affected to ſay but little of the ſplendor of his family, *for the ſake of being conſidered as the founder of it*; and choſe to ſuppreſs *the notion of his Regal* extraction, for the averſion that the people of *Rome* had to *the name of King*; with which however he was ſometimes reproached by his enemies [*i*]. But thoſe ſpeculations are wholly imaginary: for as oft as there was occaſion to mention the character and condition of his Anceſtors, he ſpeaks of them always with great frankneſs, declaring them *to have been content with their paternal fortunes, and the private honors of their own City, without the ambition of appearing on the public ſtage of Rome.* Thus in a ſpeech to the people upon his advancement to the Conſulſhip, *I have no pretence*, ſays he, *to enlarge before you, upon the praiſes of my Anceſtors; not, but that they were all ſuch as my ſelf, who am deſcended*

[*g*] Hinc enim orti ſtirpe antiquiſſima: hic ſacra, hic genus, hic majorum multa veſtigia. De Leg. 2. 1, 2.

[*h*] The *Equeſtrian* dignity, or that Order of the Roman people, which we commonly call *Knights*, had nothing in it analogous or ſimilar to any order of modern Knighthood, but depended entirely upon a *cenſus*, or valuation of their eſtates, which was uſually made every five years by the *Cenſors*, in their *Luſtrum*, or general review of the whole people: when all thoſe Citizens, whoſe entire fortunes amounted to the value of four hundred *Seſtertia*, that is of 3229 *l.* of our money, were enrolled of courſe in the liſt of *Equites* or *Knights*; who were conſidered, as a middle order between the Senators, and the common people, yet without any other diſtinction, than the privilege of wearing *a gold ring*, which was the peculiar badge of their order. [Liv. 23. 12. Plin. Hiſt. 33. 1.] *The cenſus*, or eſtate neceſſary to a Senator, was double to that of a Knight: and if ever they reduced their fortunes below that Standard, they forfeited their rank, and were ſtruck out of the roll of their order by the Cenſors.

Si quadringentis ſex ſeptem millia deſunt,
Plebs eris——— Hor. Ep. 1. 1. 57.

The Order of Knights therefore included in it the whole Provincial Nobility and Gentry of the Empire, which had not yet obtained the honor of the Senate.

[*i*] Vid. Sebaſt. Corrad. Quæſtura, p. 43, 44.

from their blood, and trained by their diſcipline; but becauſe they lived without this applauſe of popular fame, and the ſplendor of theſe honors, which you confer [*k*]. It is on this account therefore, that we find him ſo often called a *New man*; not that his family was new or ignoble, but becauſe he was the firſt of it, who ever ſought and obtained the public Magiſtracies of the State.

THE place of his birth was *Arpinum*; a City anciently of the *Samnites*, now part of the Kingdom of *Naples*; which, upon it's ſubmiſſion to *Rome*, acquired the freedom of the City, and was inſerted into *the Cornelian Tribe*. It had the honor alſo of producing the Great C. MARIUS; which gave occaſion to POMPEY to ſay in a public ſpeech, *That Rome was indebted to this Corporation for two Citizens, who had, each in his turn, preſerved it from ruin* [*l*]. It may juſtly therefore claim a place in the memory of poſterity, for giving life to ſuch worthies, who exemplified the character, which PLINY gives of true glory, *by doing what deſerved to be written, and writing what deſerved to be read*; and making the world the happier and the better for their having lived in it [*m*].

THE territory of *Arpinum* was rude and mountainous, to which CICERO applies HOMER's deſcription of *Ithaca*;

——————τρηχεῖ᾽ ἀλλ᾽ ἀγαθὴ κουροτρόφος, &c.

'Tis rough indeed, yet breeds a generous race [*n*].

The family ſeat was about three miles from the Town, in a ſituation extremely pleaſant, and well adapted to the nature of the climate. It was ſurrounded with groves and ſhady walks, leading from the houſe to a river, called *Fibrenus*;

[*k*] De lege Agrar. con. Rull. ad Quirites. 1.
[*l*] De Legib. 2. 3. Val. Max. 2. 2.
[*m*] Plin. Ep.
[*n*] Ad Att. 2. xi. Odyſſ. 9. 27.

Fibrenus; which was divided into two equal ſtreams, by a little Iſland, covered with trees and a Portico, contrived both for ſtudy and exerciſe, *whither* CICERO *uſed to retire, when he had any particular work upon his hands. The clearneſs and rapidity of the ſtream, murmuring thro' a rocky channel; the ſhade and verdure of it's banks, planted with tall poplars; the remarkable coldneſs of the water; and above all, it's falling by a caſcade into the noble river Liris, a little below the Iſland, gives us the idea of a moſt beautiful ſcene,* as CICERO himſelf has deſcribed it. When ATTICUS firſt ſaw it, he was charmed with it, and wondered that CICERO *did not prefer it to all his other houſes; declaring a contempt of the labored magnificence, marble pavements, artificial canals, and forced ſtreams of the celebrated Villa's of Italy, compared with the natural beauties of this place* [o]. The houſe, as CICERO ſays, was but *ſmall and humble in his Grandfather's time, according to the ancient frugality, like the Sabine farm of old* CURIUS; *till his father beautified and enlarged it into a handſom and ſpacious habitation.*

BUT there cannot be a better proof of the delightfulneſs of the place, than that it is now poſſeſſed by a Convent of Monks, and called *the Villa of St. Dominic* [p]. Strange revolution! to ſee CICERO's *portico's* converted to *Monkiſh cloiſters!* the ſeat of the moſt refined reaſon, wit, and learning, to a nurſery of ſuperſtition, bigottry, and enthuſiaſm! What a pleaſure muſt it give to theſe *Dominican Inquiſitors,* to trample on the ruins of a man, whoſe writings, by ſpreading the light of reaſon and liberty thro' the

[o] De Legib. 2. 1, 2, 3.

[p] Appreſſo la Villa di *S. Domenico*; hora coſi nominato queſto luogo, ove nacque *Cicerone,* come dice *Pietro Marſo,* laquale Villa è diſcoſta da *Arpino* da tre miglia. Vid. Leand. Alberti deſcrittione d'Italia, p. 267.

the world, have been one great inſtrument of obſtructing their unwearied pains to enſlave it.

CICERO, being the firſt-born of the family, received, as uſual, the name of his Father, and Grandfather, MARCUS. This name was properly perſonal, equivalent to that of baptiſm with us, and impoſed with ceremonies ſomewhat analogous to it, on the ninth day, called the *luſtrical*, or *day of purification* [*p*]; when the child was carried to the Temple by the friends and relations of the family, and before the altars of the Gods, recommended to the protection of ſome tutelar Deity.

TULLIUS was the name of the family; which in old language ſignified flowing *ſtreams*, or *ducts of water*, and was derived therefore probably from their ancient ſituation, at the confluence of the two rivers [*r*].

THE third name was generally added on account of ſome memorable action, quality, or accident, which diſtinguiſhed the Founder, or chief perſon of the family. PLUTARCH ſays, *that the ſurname of* CICERO *was owing to a wart or excreſcence on the noſe of one of his Anceſtors, in the ſhape of a vetch, which the Romans called Cicer* [*s*]: but PLINY tells us more credibly, *that all thoſe names which had a reference to any ſpecies of grain, as the* FABII, LENTULI, &c. *were acquired by a reputation of being the beſt huſbandmen or improver of that ſpecies* [*t*]. As TULLIUS therefore, the family-name, was derived from *the ſituation of the farm*, ſo CICERO, the ſurname, from the culture

[*q*] Eſt *Nundina* Romanorum *Dea*, a nono naſcentium die nuncupata, qui *luſtricus* dicitur; eſt autem dies *luſtricus*, quo infantes luſtrantur & nomen accipiunt. Macrob. Sat. 1. 16.

[*r*] Pompeius Feſtus in voce *Tullius*.

[*s*] This has given riſe to a blunder of ſome Sculptors, who, in the *Buſts of Cicero*, have formed the reſemblance of this *vetch* on his noſe; not reflecting, that it was the *name* onely, and not the *vetch* itſelf, which was tranſmitted to him by his Anceſtors.

[*t*] Hiſt. Nat. 18. 3. 1.

ture of it by *vetches*. This, I ſay, is the moſt probable, becauſe Agriculture was held the moſt liberal employment in old *Rome*, and thoſe Tribes, which reſided on their farms in the country, the moſt honorable; and this very grain, from which CICERO drew his name, was, in all ages of the Republic, in great requeſt with the meaner people; being one of *the uſual largeſſes* beſtowed upon them by the rich, and ſold every where in the Theaters and ſtreets ready *parched or boiled* for preſent uſe [*u*].

CICERO's Grandfather was living at the time of his birth, and from the few hints, which are left of him, ſeems to have been a man of buſineſs and intereſt in his country [*x*]. He was at the head of a party in *Arpinum*, in oppoſition to a buſy turbulent man, M. GRATIDIUS, whoſe ſiſter he had married, who was puſhing forward a popular law, to oblige the Town to tranſact all their affairs by *ballot*. The cauſe was brought before the Conſul SCAURUS; in which old CICERO behaved himſelf ſo well, that the Conſul paid him the compliment to wiſh, *that a man of his ſpirit and virtue would come and act with them in the greater Theater of the Republic, and not confine his talents to the narrow ſphere of his own Corporation* [*y*]. There is a ſaying likewiſe recorded of this old Gentleman, *that the men of thoſe times were like the Syrian ſlaves; the more Greek they knew, the greater knaves they were* [*z*]: which carries with it the notion of

[*u*] In cicere atque faba, bona tu pendaſque lupinis,
Latus ut in Circo ſpatiere & æneus ut ſtes. Hor. Sat. l. 2. 3. 182.
Nec ſiquid fricti ciceris probat & nucis emtor. Art. poet. 249.

[*x*] De Legib. 2. 1.

[*y*] Ac noſtro quidem huic, cum res eſſet ad ſe delata, Conſul *Scaurus*, utinam, inquit, *M. Cicero*, iſto animo atque virtute, in ſumma Repub. nobiſcum verſari, quam in municipali voluiſſes! Ibid. 3. 16.

[*z*] Noſtros homines ſimiles eſſe Syrorum venalium; ut quiſque optime græce ſciret, ita eſſe nequiſſimum. De Orat. 2. 66.

N. B. A great part of the Slaves in *Rome* were *Syrians*; for the Pirates of *Cilicia*, who uſed

of an old Patriot, ſevere on the importation of foreign arts, as deſtructive of the diſcipline and manners of his country. This Grandfather had two ſons; MARCUS the elder, the father of our CICERO; and LUCIUS, a particular friend of the celebrated Orator M. ANTONIUS, whom he accompanied to his government of *Cilicia* [*a*]; and who left a ſon of the ſame name, frequently mentioned by CICERO with great affection, as a youth of excellent virtue and accompliſhments [*b*].

HIS father MARCUS alſo was a wiſe and learned man, whoſe merit recommended him to the familiarity of the principal Magiſtrates of the Republic, eſpecially CATO, L. CRASSUS, and L. CÆSAR [*c*]; but being *of an infirm and tender conſtitution, he ſpent his life chiefly at Arpinum, in an elegant retreat and the ſtudy of polite letters* [*d*].

BUT his chief employment, from the time of his having Sons, was to give them the beſt education, which *Rome* could afford, in hopes to excite in them an ambition of breaking thro' the indolence of the family, and aſpiring to the honors of the State. They were bred up *with their Couſins, the young* ACULEO's, *in a method approved and directed by* L. CRASSUS; a man of the firſt dignity, as well as the firſt eloquence in *Rome*, and *by thoſe very maſters, whom* CRASSUS *himſelf made uſe of* [*e*]. The Romans were of all people the moſt careful and exact in the

uſed to infeſt the coaſts of *Syria*, carried all their Captives to the Market of *Delos*, and ſold them there to the *Greeks*, thro' whoſe hands they uſually paſſed to *Rome*: thoſe Slaves therefore, who had lived the longeſt with their Grecian maſters, and conſequently talked Greek the beſt, were the moſt practiſed in all the little tricks and craft that ſervitude naturally teaches; which old *Cicero*, like *Cato the Cenſor*, imputed to the arts and manners of *Greece* itſelf. Vid. Adr. Turneb. in jocos Ciceron.

[*a*] De Orat. 2. 1.

[*b*] De Finib. 5. 1. ad Att. 1. 5.

[*c*] Ep. fam. 15. 4. de Orat. 2. 1.

[*d*] Qui cum eſſet infirma valetudine, hic fere ætatem egit in literis. De Legib. 2. 1.

[*e*] Cumque nos cum conſobrinis noſtris, *Aculeonis* filiis, & ea diſceremus, quæ *Craſſo* placerent, & ab iis doctoribus, quibus ille uteretur, erudiremur. De Orat. 2. 1.

the education of their children: their attention to it began from the moment of their birth; when they committed them to the care of ſome prudent matron of reputable character and condition, whoſe buſineſs it was to form their firſt habits of acting and ſpeaking; to watch their growing paſſions, and direct them to their proper objects; to ſuperintend their ſports, and ſuffer nothing immodeſt or indecent to enter into them; that the mind preſerved in it's innocence, nor depraved by a taſte of falſe pleaſure, might be at liberty to purſue whatever was laudable, and apply it's whole ſtrength to that profeſſion, in which it deſired to excell [*f*].

It was the opinion of ſome of the old Maſters, *that Children ſhould not be inſtructed in letters, till they were ſeven years old*; but the beſt judges adviſed, *that no time of culture ſhould be loſt, and that their literary inſtruction ſhould keep pace with their moral*; *that three years onely ſhould be allowed to the nurſes, and when they firſt began to ſpeak, that they ſhould begin alſo to learn* [*g*]. It was reckoned a matter likewiſe of great importance, *what kind of language they were firſt accuſtomed to hear at home, and in what manner not onely their nurſes, but their fathers and even mothers ſpoke*; ſince their firſt habits were then neceſſarily formed, either of a pure or corrupt elocution: thus *the two* GRACCHI were thought to owe that elegance of ſpeaking, for which they were famous, *to the inſtitution of their mother* CORNELIA; a woman of great politeneſs, *whoſe epiſtles were read and admired long after her death for the purity of their language* [*h*].

[*f*] Eligebatur autem aliqua major natu propinqua, cujus probatis, ſpectatiſque moribus, omnis cujuſpiam familiæ ſoboles committeretur, &c. quæ diſciplina & ſeveritas eo pertinebat, ut ſincera & integra & nullis pravitatibus detorta uniuſcujuſque natura, toto ſtatim pectore arriperet artes honeſtas, &c. Tacit. Dial. de Oratorib. 28.

[*g*] Quintil. 1. 1.

[*h*] Ibid. it. in Brut. p. 319. edit. Sebaſt. Corradi.

THIS probably was a part of that *domeſtick diſcipline*, in which CICERO was trained, and of which he often ſpeaks: but as ſoon as he was capable of a more enlarged and liberal inſtitution, his father brought him to *Rome*, where he had a houſe of his own [*i*], and placed him in a public ſchool, under an eminent Greek maſter, which was thought the beſt way of educating one, who was deſigned to appear on the public ſtage, and who, as QUINTILIAN obſerves, *ought to be ſo bred, as not to fear the ſight of men; ſince that can never be rightly learnt in ſolitude, which is to be produced before crowds* [*k*]. Here he gave the firſt ſpecimen of thoſe ſhining abilities, which rendered him afterwards ſo illuſtrious; and his ſchool-fellows carried home ſuch ſtories of his extraordinary parts and quickneſs in learning, *that their parents were often induced to viſit the ſchool, for the ſake of ſeeing a Youth of ſuch ſurprizing talents* [*l*].

ABOUT this time a celebrated Rhetorician, PLOTIUS, *firſt ſet up a Latin ſchool of eloquence in Rome*, and had a great reſort to him [*m*]: *Young* CICERO was very deſirous to be his ſcholar, but was over-ruled in it by the advice of the learned, who thought the *Greek maſters* more uſeful in forming him to the Bar, for which he was deſigned. This method of beginning with *Greek* is approved by QUINTILIAN; becauſe *the Latin would come of itſelf, and it ſeemed moſt natural to begin from the fountain, whence all the Roman learning was derived*: yet *the rule*, he ſays, *muſt be practiſed with ſome reſtriction, nor the uſe of a foreign language puſhed ſo far, to the neglect*

[*i*] This is a farther proof of the wealth and floriſhing condition of his family; ſince the rent of a moderate houſe in *Rome*, in a reputable part of the City, fit for one of *Equeſtrian* rank, was about *two hundred pounds Sterling* per ann.

[*k*] L. 1. 2.

[*l*] Plutarch in his life.

[*m*] Sueton. de claris Rhetoribus, c. 2.

neglect of the native, as to acquire with it a foreign accent and vicious pronunciation [*n*].

CICERO's father, encouraged by the promiſing genius of his Son, ſpared no coſt nor pains to improve it by the help of the ableſt Maſters, and among the other inſtructors of his early Youth, put him under the care of *the Poet* ARCHIAS, who came to *Rome* with a high reputation for learning and poetry, when CICERO *was about five years old*, and lived in the family of LUCULLUS [*o*]: for it was the cuſtom of the great in thoſe days, to entertain in their houſes the principal Scholars and Philoſophers of Greece, with a liberty of opening a School, and teaching, together with their own children, any of the other young nobility and gentry of *Rome*. Under this Maſter, CICERO applied himſelf chiefly to poetry, to which he was naturally addicted, and made ſuch a proficiency in it, that while he was ſtill a boy, he compoſed and publiſhed a Poem, called *Glaucus Pontius*, which was extant in PLUTARCH's time [*p*].

AFTER finiſhing the courſe of theſe puerile ſtudies, it was the cuſtom to change the habit of the boy, for that of the man, and take what they called *the manly gown*, or the ordinary robe of the Citizens: this was an occaſion of great joy to the Young men; who by this change paſſed into a ſtate of greater liberty and enlargement from the power of their Tutors [*q*]. They were introduced at the ſame time into the *Forum*, or the great ſquare of the City, where

[*n*] L. 1. 1.

[*o*] Pr. Archia. 1, 3.

[*p*] Plutarch.——This *Glaucus* was a fiſherman of *Anthedon* in *Bœotia*; who, upon eating a certain herb, jumped into the Sea, and became a Sea-God: the place was ever after called *Glaucus's leap*; where there was *an Oracle of the God*, in great vogue with all Seamen; and the ſtory furniſhed the argument to one of *Æſchylus's* Tragedies. Pauſan. Bœot. c. 22.

[*q*] Tenes utique memoria, quantum gaudium ſenſeris, cum, Prætextâ poſitâ, ſumpſiſti virilem togam, & in Forum deductus es. Senec. Epiſt. 4.

Cum primum pavido cuſtos mihi purpura ceſſit.
Perſ. Sat. 5. 30.

the Aſſemblies of the people were held, and the Magiſtrates uſed to harangue to them from the *Roſtra*, and where all the public pleadings and judicial proceedings were uſually tranſacted: this therefore was the grand School of buſineſs and eloquence; the ſcene, on which all the affairs of the Empire were determined, and where the foundation of their hopes and fortunes were to be laid: ſo that they were introduced into it with much ſolemnity; attended by all the friends and dependents of the family; and after divine rites performed in *the Capitol*, were committed to the ſpecial protection of ſome eminent Senator, diſtinguiſhed for his eloquence or knowledge of the laws, to be inſtructed by his advice in the management of civil affairs; and to form themſelves by his example for uſeful members and Magiſtrates of the Republic.

WRITERS are divided about the preciſe time of changing *the puerile* for *the manly gown*: what ſeems the moſt probable, is, that in the old Republic it was never done till *the End of the ſeventeenth year*; but when the ancient diſcipline began to relax, Parents, out of indulgence to their children, advanced this æra of joy one year earlier, and gave them the gown at *ſixteen*, which was the cuſtom in CICERO's time [*r*]. Under the Emperors, it was granted at pleaſure, and at any age, to the great or their own relations; for NERO *received it from* CLAUDIUS, *when he juſt entered into his fourteenth year*; *which*, as TACITUS ſays, *was given before the regular ſeaſon* [*s*].

CICERO, being thus introduced into the Forum, was placed under the care of Q. MUCIUS SCÆVOLA *the Augur*; the principal Lawyer, as well as Stateſman of that age; who

[*r*] Vid. Sueton. Aug. c. 8. Piſan. Diſſer. 2. c. 4. it. Sueton. Auguſt. 8.
[*s*] Ann. 12. 41. Vid. Norris. Cenotaph. & Notas Pitiſci.

who had paſſed thro' all the offices of the Republic, with a ſingular reputation of integrity, and was now extremely old: CICERO *never ſtirred from his ſide, but carefully treaſured up in his memory all the remarkable ſayings, which dropt from him, as ſo many leſſons of prudence for his future conduct* [*t*]; and after his death applied himſelf to another of the ſame family, SCÆVOLA *the High-prieſt*, a perſon of equal character for probity and ſkill in the law; who, tho' *he did not profeſs to teach, yet freely gave his advice to all the young ſtudents, who conſulted him* [*u*].

UNDER theſe Maſters he acquired a complete knowledge of the laws of his country; a foundation, uſefull to all who deſign to enter into public affairs; and thought to be of ſuch conſequence at *Rome*, that it was *the common exerciſe of boys at ſchool, to learn the laws of the twelve tables by heart, as they did their Poets and Claſſic authors* [*x*]. CICERO particularly took ſuch pains in this ſtudy, and was ſo well acquainted with the moſt intricate parts of it, as to be able to ſuſtain a diſpute on any queſtion with the greateſt Lawyers of his age [*y*]: ſo that in pleading once againſt his friend S. SULPICIUS, he declared by way of raillery, what he could have made good likewiſe in fact, *that if he provoked him, he would profeſs himſelf a Lawyer in three days time* [*z*].

The profeſſion of the Law, next to that of arms and eloquence, was a ſure recommendation to the firſt honors of the Republic [*a*]; and for that reaſon was preſerved as

[*t*] De Amicit. 1.
[*u*] Brut. p. 89. edit. Seb. Corradi.
[*x*] De Legib. 2. 23.
[*y*] Ep. fam. 7. 22.
[*z*] Pr. Muræna. 13. He wrote and publiſhed afterwards, in his advanced life, a Treatiſe or plan *for reducing the Civil Law into an art:* which was extant long after his death. A. Gell. 1. 22. Quintil. 12. 3.
[*a*] Ibid. 14.

as it were hereditary in ſome of the nobleſt families of *Rome* [*b*]; who, by giving their advice gratis to all, who wanted it, engaged the favor and obſervance of their fellow Citizens, and acquired great authority in all the affairs of ſtate. It was the cuſtom of theſe old Senators, eminent for their wiſdom and experience, to walk every morning up and down the Forum, as a ſignal of their offering themſelves freely to all, who had occaſion to conſult them, not onely in caſes of law, but in their private and domeſtic affairs [*c*]. But in later times they choſe to ſit at home with their doors open, in a kind of *throne* or *raiſed ſeat*, like the Confeſſors in foreign Churches, giving acceſs and audience to all people. This was the caſe of the two SCÆVOLA's, eſpecially the *Augur*, whoſe houſe was called *the Oracle of the City* [*d*]; and who, *in the Marſic war, when worn out with age and infirmities, gave free admiſſion every day to all the Citizens, as ſoon as it was light, nor was ever ſeen by any in his bed during that whole war* [*e*].

BUT this was not the point that CICERO aimed at, to guard the eſtates onely of the Citizens: his views were much larger; and the knowledge of the law was but one ingredient of many, in the character which he aſpired to, of *an univerſal Patron*, not onely of the fortunes, but of the lives and liberties of his countrymen: for that was the

[*b*] Quorum vero patres aut majores aliqua gloria præſtiterunt, ii ſtudent plerumque in eodem genere laudis excellere: ut Q. Mucius P. filius in jure civili. Off. 1. 32. 2. 19.

[*c*] M' vero Manilium nos etiam vidimus tranſverſo ambulantem foro; quod erat inſigne, eum, qui id faceret, facere civibus omnibus conſilii ſui copiam. Ad quos olim & ita ambulantes & in ſolio ſedentes domi ita adibatur, non ſolum ut de jure civili ad eos, verum etiam de filia collocanda——de omni denique aut officio aut negotio referretur. De Orat. 3. 33.

[*d*] Eſt enim ſine dubio domus Juriſconſulti totius Oraculum civitatis. Teſtis eſt hujuſce Q. Mucii janua, & veſtibulum, quod in ejus infirmiſſima valetudine, affectaque jam ætate, maxima quotidie frequentia civium, ac ſummorum hominum ſplendore celebratur. De Orat. 1. 45.

[*e*] Philip. 8. x.

the proper notion *of an Orator, or Pleader of cauſes*; whoſe profeſſion it was, *to ſpeak aptly, elegantly and copiouſly on every ſubject, which could be offered to him and whoſe art therefore included in it all other arts of the liberal kind, and could not be acquired to any perfection, without a competent knowledge of whatever was great and laudable in the Univerſe.* This was his own idea of what he had undertaken [*f*]; and his preſent buſineſs therefore was, to lay a foundation fit to ſuſtain the weight of this great character: ſo that while he was ſtudying the law under the SCÆVOLA's, he ſpent a large ſhare of his time in attending the pleadings at the bar, and the public ſpeeches of the Magiſtrates; and never paſſed *one day without writing and reading ſomething at home*; conſtantly taking notes, and making comments on what he read. He was fond, when very young, of an exerciſe, which had been recommended by ſome of the great Orators before him, *of reading over a number of verſes of ſome eſteemed Poet, or a part of an Oration ſo carefully, as to retain the ſubſtance of them in his memory, and then deliver the ſame ſentiments in different words, the moſt elegant, that occurred to him.* But he ſoon grew weary of this, upon reflecting, that his authors had already employed the beſt words which belonged to their ſubject; ſo that if he uſed the ſame, it would do him no good, and if different, would even hurt him, by a habit of uſing worſe. He applied himſelf therefore to another taſk of more certain benefit, *to tranſlate into Latin the ſelect ſpeeches of the beſt Greek Orators*; which gave him an opportunity of obſerving and employing all the moſt elegant words of his own language, and of *enriching it at the*

[*f*] De Orat. 1. 5, 6, 13, 16.

the ſame time with new ones, borrowed or imitated from the Greek [*g*]. Nor did he yet neglect his poetical ſtudies; for he now tranſlated ARATUS *on the Phænomena of the heavens, into Latin verſe*, of which many fragments are ſtill extant; and publiſhed alſo *an original Poem* of *the Heroic kind*, in honor of his Countryman C. MARIUS. This was much admired and *often read by* ATTICUS; and old SCÆVOLA was ſo pleaſed with it, that in an Epigram which he ſeems to have made upon it, he declares, *that it would live as long as the Roman name and learning ſubſiſted* [*h*]: there remains ſtill a little ſpecimen of it, deſcribing *a memorable omen given to* MARIUS *from the Oak of Arpinum*; which from the ſpirit and elegance of the deſcription ſhews, that his Poetical genius was ſcarce inferior to his Oratorial, if it had been cultivated with the ſame diligence [*i*]. He publiſhed another Poem alſo called *Limon*; of which DONATUS has preſerved four lines *in the life of* TERENCE, in praiſe of the elegance and purity of that Poet's ſtile [*k*]. But while he was

[*g*] De Orator. 1. 34. Xenophon—in eo libro qui Æconomicus inſcribitur: quem nos ea fere ætate cum eſſemus qua es tu, nunc, e Græco in Latinum convertimus. Cic. Offic. l. 2. 24.

[*h*] Eaque, ut ait Scævola de fratris mei Mario, —— caneſcet ſæclis innumerabilibus. De Leg. 1. 1.

[*i*] Hic Jovis altiſoni ſubito pinnata Satelles
Arboris e trunco, ſerpentis ſaucia morſu,
Subjugat ipſa feris transfigens unguibus anguem
Semianimum, & varia graviter cervice micantem;
Quem ſe intorquentem lanians roſtroque cruentans,
Jam ſatiata animos, jam duros ulta dolores,
Abjicit efflantem, & laceratum adfligit in unda,
Seque obitu a Solis, nitidos convertit ad ortus.
Hanc ubi præpetibus pennis lapſuq; volantem
Conſpexit Marius, divini Numinis Augur,
Fauſtaque ſigna ſuæ laudis, redituſque notavit;
Partibus intonuit cœli Pater ipſe ſiniſtris.
Sic Aquilæ clarum firmavit Juppiter omen. De Divin. 1. 47.

[*k*] We have no account of the argument of this Piece, or of the meaning of it's title: it was probably nothing more than the Greek word Λειμὼν; to intimate, that the Poem, like a meadow or garden, exhibited a variety of different fancies and flowers. The Greeks, as *Pliny* ſays, were fond of giving ſuch titles to their books, as Παιδεκται, Εγχειρίδιον, Λειμὼν, &c. [Præf. Hiſt. Nat.] and *Pamphilus the Grammarian*, as *Suidas* tells us, publiſhed a Λειμὼν, or a Collection of various ſubjects. Vid. in Pamphilus.

was employing himſelf in theſe juvenile exerciſes for the improvement of his invention, he applied himſelf with no leſs induſtry to *Philoſophy*, for the enlargement of his mind and underſtanding; and among his other Maſters, was very fond at this age of PHÆDRUS *the Epicurean*: but as ſoon as he had gained a little more experience and judgment of things, he wholly deſerted and conſtantly diſliked the principles of that ſect; yet always retained a particular eſteem for the man, on account of his learning, humanity and politeneſs [*l*].

THE peace of *Rome* was now diſturbed by a domeſtic war, which writers call the *Italic*, *Social*, or *Marſic*: it was begun by a confederacy of the principal Towns of *Italy*, to ſupport their demand of the freedom of the City: the Tribun DRUSUS had made them a promiſe of it, but was aſſaſſinated in the attempt of publiſhing a law to confer it: this made them deſperate, and reſolve to extort by force, what they could not obtain by entreaty [*m*]. They alledged it to be *unjuſt*, *to exclude them from the rights of a City*, *which they ſuſtained by their arms*; *that in all it's wars they furniſhed twice the number of troops which Rome itſelf did*; *and had raiſed it to all that heigth of power*, *for which it now deſpiſed them* [*n*]. This war was carried on for above two years, with great fierceneſs on both ſides, and various ſucceſs: *two Roman Conſuls* were killed in it, and their armies often defeated; till the Confederates, weakened alſo by frequent loſſes, and the deſertion of one Ally after another, were forced at laſt to ſubmit to the ſuperior fortune of *Rome* [*o*]. During the hurry of the war, the buſineſs of the Forum

[*l*] Ep. fam. 13. 1.
[*m*] Philip. 12. 27.
[*n*] Vell. Pat. 2. 15.
[*o*] Flor. 3. 18.

was intermitted; the greateſt part of the Magiſtrates, as well as the Pleaders, being perſonally engaged in it; HORTENSIUS, the moſt floriſhing young Orator at the bar, was a volunteer in it the firſt year, and commanded a regiment the ſecond [*p*].

CICERO likewiſe took the opportunity to make a campaign, along with the Conſul CN. POMPEIUS STRABO, the father of POMPEY THE GREAT: this was a conſtant part of the education of the young Nobility; to learn the art of war by perſonal ſervice, under ſome General of name and experience; for in an Empire raiſed and ſupported wholly by arms, a reputation of martial virtue was the ſhorteſt and ſureſt way of riſing to it's higheſt honors; and the conſtitution of the government was ſuch, that as their Generals could not make a figure even in Camps, without ſome inſtitution in the politer arts, eſpecially that of *ſpeaking gracefully* [*q*]; ſo thoſe, who applied themſelves to the peacefull ſtudies, and the management of civil affairs were obliged to acquire a competent ſhare of military ſkill, for the ſake of governing Provinces, and commanding armies, to which they all ſucceeded of courſe from the adminiſtration of the great Offices of the State.

IN this expedition CICERO was preſent at a conference between POMPEIUS the Conſul, and VETTIUS the General of the Marſi; who had given the Romans a cruel defeat the year before, in which the Conſul RUTILIUS was killed [*r*]. It was held in ſight of the two Camps, and managed with great decency: the Conſul's brother SEXTUS, being an old acquaintance of VETTIUS, came from *Rome* on purpoſe to aſſiſt at it; and at the firſt ſight of each

[*p*] Brut. 425.

[*q*] Quantum dicendi gravitate & copia valeat, in quo ipſo ineſt quædam dignitas Imperatoria.——pr. leg. Manil. 14.

[*r*] Appian. Bell. civ. p. 376.

each other, after lamenting the unhappy circumſtance of their meeting at the head of oppoſite armies, he aſked VETTIUS, *by what title he ſhould now ſalute him, of friend or enemy:* to which VETTIUS replied, *Call me friend by inclination; enemy by neceſſity* [*s*]. Which ſhews that theſe old Warriors had not leſs politeneſs in their civil, than fierceneſs in their hoſtile encounters.

BOTH MARIUS and SYLLA ſerved as Lieutenants to the Conſuls in this war, and commanded ſeparate armies in different parts of *Italy:* but MARIUS performed nothing in it anſwerable to his great name and former glory: his advanced age had encreaſed his caution; and after ſo many triumphs and Conſulſhips, he was jealous of a reverſe of fortune; ſo that he kept himſelf wholly on the defenſive; and, like old FABIUS, choſe to tire out the enemy by declining a battel: content with ſnatching ſome little advantages, that opportunity threw into his hands, without ſuffering them however to gain any againſt him [*t*]. SYLLA on the other hand was ever active and enterprizing: he had not yet obtained the Conſulſhip, and was fighting for it, as it were, in the ſight of his Citizens; ſo that he was conſtantly urging the enemy to a battel, and glad of every occaſion to ſignalize his military talents, and eclipſe the fame of MARIUS; in which he ſucceeded to his wiſh; gained many conſiderable victories; and took ſeveral of their Cities by ſtorm, particularly *Stabiæ*, a Town of *Campania*, which he utterly demoliſhed [*u*]. CICERO, who ſeems to have followed his

[*s*] Quem te appellem, inquit? at ille; Voluntate hoſpitem, neceſſitate hoſtem. Phil. 12. xi.

[*t*] Plutar. in Marius.

[*u*] Plut. in Sylla. In Campano autem agro Stabiæ oppidum fuere uſque ad Cn. Pompeium & L. Carbonem Coſſ. prid. Kal. Maij, quo die L. Sylla legatus bello ſociali id delevit, quod nunc in villas abiit. Intercidit ibi & Taurania. Plin. Hiſt. N. 3. 5.

camp, as the chief ſcene of the war, and the beſt ſchool for a young volunteer, gives an account of one action, of which he was eye witneſs, executed with great vigor and ſucceſs; *that as* SYLLA *was ſacrificing before his tent in the fields of Nola, a ſnake happened to creep out from the bottom of the altar; upon which* POSTUMIUS *the Haruſpex, who attended the ſacrifice, proclaiming it to be a fortunate omen, called out upon him to lead his army immediately againſt the enemy:* SYLLA *took the benefit of the admonition, and drawing out his troops without delay, attacked and took the ſtrong camp of the Samnites under the walls of Nola* [x]. This action was thought ſo glorious, that SYLLA got the ſtory of it *painted* afterwards in one of the rooms of his *Tuſculan Villa* [y]. Thus CICERO was not leſs diligent in the army, than he was in the Forum, to obſerve every thing that paſſed; and contrived always to be near the perſon of the General, that no action of moment might eſcape his notice.

UPON the breaking out of this war, the Romans gave the freedom of the City to all the Towns which continued firm to them; and at the end of it, after the deſtruction of *three hundred thouſand* lives, thought fit, for the ſake of their future quiet, to grant it to all the reſt: but this ſtep, which they conſidered as the foundation of a perpetual peace, was, as an ingenious writer has obſerved, one of the cauſes, that haſtened their ruin: for the enormous bulk, to which the City was ſwelled by it, gave birth to many new diſorders, that gradually corrupted and at laſt deſtroyed it; and the diſcipline of the laws, calculated for a people,

[x] In Syllæ ſcriptum hiſtoria videmus, quod te inſpectante factum eſt, ut quum ille in agro Nolano immolaret ante prætorium, ab infima ara ſubito anguis emergeret, quum quidem G. Poſtumius haruſpex orabat illum, &c. De Divin. 1. 33. 2. 30.

[y] Plin. Hiſt. N. 22. 6.

a people, whom the ſame walls would contain, was too weak to keep in order the vaſt body of *Italy*: ſo that from this time chiefly, all affairs were decided by faction and violence, and the influence of the great; who could bring whole Towns into the Forum from the remote parts of *Italy*; or pour in a number of ſlaves and foreigners under the form of Citizens; for when the names and perſons of real Citizens could no longer be diſtinguiſhed, it was not poſſible to know, whether any act had paſſed regularly, by the genuin ſuffrage of the people [*z*].

THE *Italic* war was no ſooner ended, than another broke out, which, tho' at a great diſtance from *Rome*, was one of the moſt difficult and deſperate, in which it ever was engaged; againſt MITHRIDATES *King of Pontus*; a martial and powerfull Prince; of a reſtleſs ſpirit and ambition, with a capacity equal to the greateſt deſigns: who diſdaining to ſee all his hopes blaſted by the overbearing power of *Rome*, and confined to the narrow boundary of his hereditary dominion, broke thro' his barrier at once, and over-ran the leſſer *Aſia* like a Torrent, and in one day cauſed *eighty thouſand Roman Citizens* to be maſſacred in cold blood [*a*]. His forces were anſwerable to the vaſtneſs of his attempt, and the inexpiable war, that he had now declared againſt the Republic: he had a fleet of above four hundred ſhips; with an army of two hundred and fifty thouſand foot, and fifty thouſand horſe; all completely armed, and provided with military ſtores, fit for the uſe of ſo great a body [*b*].

SYLLA, who had now obtained the Conſulſhip, as the reward of his late ſervices, had the Province of *Aſia* allotted

[*z*] De la grandeur des Romains, &c. c. 9. [*b*] Appian. Bell. Mithridat. init. pag. 171.
[*a*] Pr. leg. Manil. 3.

lotted to him, with the command of the war againſt MITHRIDATES [*c*], but old MARIUS, envious of his growing fame, and deſirous to engroſs every Commiſſion, which offered either power or wealth, engaged SULPICIUS, an eloquent and popular Tribun, to get that allotment reverſed and the command transferred from SYLLA to himſelf by the ſuffrage of the people. This raiſed great tumults in the City between the oppoſite parties, in which the Son of Q. POMPEIUS the Conſul, and the Son in law of SYLLA was killed: SYLLA happened to be abſent, quelling the remains of the late commotions near *Nola*; but upon the news of theſe diſorders, he haſtened with his legions to *Rome*, and having entered it after ſome reſiſtance, drove MARIUS and his accomplices to the neceſſity of ſaving themſelves by a precipitate flight. This was the beginning of *the firſt civil war*, properly ſo called, which *Rome* had ever ſeen; and what gave both the occaſion and the Example to all the reſt that followed: the Tribun SULPICIUS was taken and ſlain; and MARIUS ſo warmly purſued, that he was forced to plunge himſelf *into the marſhes of Minturnum, up to the chin in water*; in which condition he lay concealed for ſome time, till being diſcovered and dragged out, *he was preſerved by the compaſſion of the inhabitants, who, after refreſhing him from the cold and hunger, which he had ſuffered in his flight, furniſhed him with a veſſel and all neceſſaries to tranſport himſelf into Afric* [*d*].

SYLLA in the mean while having quieted the City, and *proſcribed twelve of his chief adverſaries*, ſet forward upon

[*c*] Appian. Bell. Civ. l. 1. 383.

[*d*] Pr. Plan. 'x. This account, that *Cicero* gives more than once of *Marius's eſcape*, makes it probable, that the common ſtory of *the Gallic Soldier, ſent into the priſon to kill him*, was forged by ſome of the later writers, to make the relation more tragical and affecting.

upon his expedition againſt MITHRIDATES: but he was no ſooner gone, than the civil broils broke out afreſh between the new Conſuls, CINNA and OCTAVIUS; which CICERO calls the *Octavian war* [*e*]. For CINNA, attempting to reverſe all that SYLLA had eſtabliſhed, was driven out of the City by his Collegue, with ſix of the Tribuns, and depoſed from the Conſulſhip: upon this he gathered an army, and recalled MARIUS; who, having joined his forces with him, entered *Rome* in a hoſtile manner; and with the moſt horrible cruelty, put all SYLLA's friends to the ſword, without regard to age, dignity, or former ſervices. Among the reſt fell *the Conſul* CN. OCTAVIUS; the two Brothers L. CÆSAR and C. CÆSAR; P. CRASSUS, and the Orator, M. ANTONIUS; *whoſe head*, as CICERO ſays, *was fixed upon that Roſtra, where he had ſo ſtrenuouſly defended the Republic when Conſul, and preſerved the heads of ſo many Citizens*; lamenting, as it were ominouſly, the miſery of that fate, which happened afterwards to himſelf, from the Grandſon of this very ANTONIUS. Q. CATULUS alſo, tho' he had been MARIUS's *Collegue in the Conſulſhip and his victory over the Cimbri*, was treated with the ſame cruelty: for when his friends were interceding for his life, MARIUS made them no other anſwer, but, *he muſt die*; *he muſt die*; ſo that he was obliged to kill himſelf [*f*].

CICERO ſaw this memorable entry of his Countryman MARIUS; who, in that advanced age, was ſo far from *being broken*, he ſays, *by his late calamity, that he ſeemed to be more alert and vigorous than ever*; when he heard him recounting to the people, in excuſe for the cruelty of

[*e*] De Div. 1. 2. Philip. 14 8.
[*f*] Cum neceſſariis Catuli deprecantibus non ſemel reſpondit, ſed ſæpe, *moriatur*. Tuſc. Diſp. 5. 19. De Orat. 3. 3.

of his return, *the many miſeries, which he had lately ſuffered; when he was driven from that country, which he had ſaved from deſtruction; when all his eſtate was ſeized and plundered by his enemies; when he ſaw his Young Son alſo the partner of his diſtreſs; when he was almoſt drowned in the Marſhes, and owed his life to the mercy of the Minturnenſians; when he was forced to fly into Afric in a ſmall bark, and become a ſuppliant to thoſe, to whom he had given kingdoms; but that ſince he had recovered his dignity, and all the reſt, that he had loſt, it ſhould be his care not to forfeit that virtue and courage, which he had never loſt* [g]. MARIUS and CINNA having thus got the Republic into their hands, declared themſelves *Conſuls*: but MARIUS died unexpectedly, as ſoon almoſt as he was inaugurated into his new dignity, on *the 13th of January, in the 70th year of his age*; and according to the moſt probable account, of *a pleuritic fever* [h].

HIS birth was obſcure, tho' ſome call it *Equeſtrian*; and his education wholly in Camps, where he learnt the firſt rudiments of war, under the greateſt maſter of that age, the younger SCIPIO, who deſtroyed *Carthage*; till by long ſervice, diſtinguiſhed valor, and a peculiar hardineſs and patience of diſcipline, he advanced himſelf gradually thro' all the ſteps of military honor, with the reputation of a brave and complete Soldier. The obſcurity of his extraction, which depreſſed him with the nobility, made him the greater favorite of the people; who, on all occaſions of danger, thought him the onely man,

[g] Poſt red. ad Quir. 8.

[h] Plutarch. in Mar. The celebrated Orator *L. Craſſus* died not long before of the ſame diſeaſe; which might probably be then, as I was told in *Rome*, that it is now, the peculiar diſtemper of the place. The modern Romans call it *puntura*, which ſeems to carry the ſame notion, that the old Romans expreſſed by, *percuſſus frigore*; intimating the ſudden ſtroke of cold, upon a body unuſually heated.

fit to be truſted with their lives and fortunes; or to have the command of a difficult and deſperate war: and in truth, he twice delivered them from the moſt deſperate, with which they had ever been threatened by a foreign enemy. SCIPIO, fron the obſervation of his martial talents, while he had yet but an inferior command in the army, gave a kind of prophetic teſtimony of his future glory: for being aſked by ſome of his Officers, who were ſupping with him at *Numantia*, *what General the Republic would have*, *in caſe of any accident to himſelf*; *that man*, replied he, pointing to MARIUS, *at the bottom of the table.* In the field he was cautious and provident; and while he was watching the moſt favorable opportunities of action, affected to take all his meaſures from *Augurs and Diviners*; nor ever gave battel, till by *pretended omens and divine admonitions*, he had inſpired his ſoldiers with a confidence of victory: ſo that his enemies dreaded him, as ſomething more than mortal; and both friends and foes believed him to act always by a peculiar impulſe and direction from the Gods. His merit however was wholly military, void of every accompliſhment of learning, which he openly affected to deſpiſe; ſo that *Arpinum had the ſingular felicity to produce*, *the moſt glorious contemner*, *as well as the moſt illuſtrious improver of the arts and eloquence of Rome.* He made no figure therefore in the gown, nor had any other way of ſuſtaining his authority in the City, than by cheriſhing the natural jealouſy between the Senate and the people; that by his declared enmity to the one, he might always be at the head of the other; whoſe favor he managed, not with any view to the public good, for he had nothing in him of the Stateſman, or the Patriot, but to the advancement

of his private intereſt and glory. In ſhort, he was crafty, cruel, covetous, perfidious; of a temper and talents greatly ſerviceable abroad, but turbulent and dangerous at home; an implacable enemy to the Nobles, ever ſeeking occaſions to mortify them, and ready to ſacrifice the Republic, which he had ſaved, to his ambition and revenge. After a life ſpent in the perpetual toils of foreign or domeſtic wars, he died at laſt in his bed, in a good old age, and *in his ſeventh Conſulſhip*; an honor that no Roman before him ever attained; which is urged by COTTA *the Academic*, as one argument amongſt others, *againſt the exiſtence of a Providence* [*i*].

THE tranſactions of the Forum were greatly interrupted by theſe civil diſſenſions; in which ſome of the beſt Orators were killed, others baniſhed: CICERO however attended the harangues of the Magiſtrates, who poſſeſſed the Roſtra in their turns; and being now about the age of twenty one, drew up probably thoſe *Rhetorical pieces*, which were publiſhed by him, as he tells us, when very young, and are ſuppoſed to be the ſame, that ſtill remain, on the ſubject of *Invention:* but he condemned, and retracted them afterwards in his advanced age, *as unworthy of his maturer judgment*; and the work onely of a boy, attempting to digeſt into order the precepts, which

[*i*] Natus equeſtri loco. [Vell. Pat. 2. xi.] Se P. Africani diſcipulum ac militem. [pr. Balb. 20. Val. Max. 8. 15.] Populus Rom. non alium repellendis tantis hoſtibus magis idoneum, quam Marium eſt ratus. [Vell. Pat. 2. 12.] Bis Italiam obſidione & metu liberavit ſervitutis. [in Cat. 4. x.] Omnes ſocii atque hoſtes credere, illi aut mentem divinam eſſe, aut Deorum nutu cuncta portendi. [Salluſt. Bell. Jug. 92.] Conſpicuæ felicitatis Arpinum, ſive unicum litterarum glorioſiſſimum contemptorem, ſive abundantiſſimum fontem intueri velis. [Val. Max. 2. 2.] Quantum bello optimus, tantum pace peſſimus; immodicus gloriæ, inſatiabilis, impotens, ſemperque inquietus. [Vell. Pat. 2. xi.] Cur omnium perfidioſiſſimus, C. Marius, Q. Catulum, præſtantiſſima dignitate virum, mori potuit jubere? ——cur tam feliciter, ſeptimùm Conſul, domi ſuæ ſenex eſt mortuus? [de Nat. Deor. 3. 32.]

which he had brought away from School [*k*]. In the mean while, PHILO, a Philoſopher of the firſt name *in the Academy*, with many of the principal Athenians, fled to *Rome* from the fury of *Mithridates*, who had made himſelf Maſter of *Athens*, and all the neighbouring parts of Greece: CICERO immediately became his ſcholar, and was exceedingly taken with his Philoſophy; and by the help of ſuch a Profeſſor gave himſelf up to that ſtudy with the greater inclination, as there was cauſe to apprehend, that the laws and judicial proceedings, which he had deſigned for the ground of his fame and fortunes, would be wholly overturned by the continuance of the public diſorders [*l*].

BUT CINNA's party having quelled all oppoſition at home, while SYLLA was engaged abroad in the *Mithridatic war*, there was a ceſſation of arms within the City for about three years, ſo that the courſe of public buſineſs began to flow again in it's uſual channel; *and* MOLO *the Rhodian*, one of the principal Orators of that age, and the moſt celebrated teacher of eloquence, happening to come to *Rome* at the ſame time, CICERO preſently took the benefit of his lectures, and reſumed his Oratorical ſtudies with his former ardor [*m*]. But the greateſt ſpur to his induſtry was the fame and ſplendor of HORTENSIUS, who made the firſt figure at the bar, and whoſe praiſes fired him with ſuch an ambition of acquiring the ſame glory, that he ſcarce allowed himſelf any reſt from his ſtudies either day or night; he had in the Houſe with

[*k*] Que pueris aut adoleſcentulis nobis, ex commentariolis noſtris inchoata ac rudia exciderunt, vix hac ætate digna, & hoc uſu, &c. De Orat. 1. 2. Quintil. l. 3. 6.

[*l*] Eodem tempore, cum Princeps Academiæ Philo, cum Athenienſium Optimatibus, Mithridatico bello domo profugiſſet, Romamque veniſſet; totum ei me tradidi, &c. Brut. 430.

[*m*] Eodem anno Moloni dedimus operam. Ibid.

him DIODOTUS *the Stoic*, as his Preceptor in various parts of learning, but more particularly in *Logic*; which ZENO, as he tells us, uſed to call *a cloſe and contracted eloquence*; as he called *eloquence an enlarged and dilated Logic*; comparing *the one to the fiſt, or hand doubled*; *the other, to the palm opened* [*n*]. Yet with all his attention to *Logic*, he never ſuffered a day to paſs, without ſome exerciſe in Oratory; chiefly that of declaiming; which he generally performed with his fellow ſtudents, M. PISO and Q. POMPEIUS; two young Noblemen, a little older than himſelf, with whom he had contracted an intimate friendſhip. They declamed ſometimes in *Latin, but much oftner in Greek*; *becauſe the Greek furniſhed a greater variety of elegant expreſſions, and an opportunity of imitating and introducing them into the Latin*; *and becauſe the Greek maſters, who were far the beſt, could not correct and improve them, unleſs they declamed in that language* [*o*].

IN this interval SYLLA was performing great exploits againſt MITHRIDATES, whom he had driven out of *Greece* and *Aſia*; and confined once more to his own territory; yet at *Rome*, where CINNA was maſter, he was declared *a public enemy, and his eſtate confiſcated*: this inſult upon his honor and fortunes made him very deſirous to be at home again, in order to take his revenge upon his adverſaries: ſo that after all his ſucceſs in the war, he was glad to put an end to it by an honorable peace; thə chief article of which was, that MITHRIDARES *ſhould defray the whole expence of it, and content himſelf for the future with his*

[*n*] Zeno quidem ille, a quo diſciplina Stoicorum eſt, manu demonſtrare ſolebat, quid inter has artes intereſſet. Nam cum compreſſerat digitos, pugnumque fecerat; dialecticam aiebat ejuſmodi eſſe: cum autem diduxerat, & manum dilataverat, palmæ illius ſimilem eloquentiam eſſe dicebat. Orator. 259. edit. Lamb.

[*o*] Brut. p. 357, 433.

his hereditary Kingdom. On his return he brought away with him from *Athens* the famous library of APELLICON *the Teian*; in which were *the works of* ARISTOTLE *and* THEOPHRASTUS; that were hardly known before in *Italy*, or to be found indeed intire any where elſe [*p*]. He wrote a letter at the ſame time to the Senate, *ſetting forth his great ſervices, and the ingratitude with which he had been treated; and acquainting them, that he was coming to do juſtice to the Republic and to himſelf upon the authors of thoſe violences:* this raiſed great terrors in the City; which having lately felt the horrible effects of MARIUS's entry, expected to ſee the ſame tragedy acted over again by SYLLA.

BUT while his enemies were buſy in gathering forces to oppoſe him, CINNA, the chief of them, was killed in a mutiny of his own ſoldiers: upon this SYLLA haſtened his march, to take the benefit of that diſturbance, and landed at *Brundiſium* with about thirty thouſand men: hither many of the Nobility preſently reſorted to him; and among them *young* POMPEY, about *twenty three years old*; who, without any public character or commiſſion, brought along with him *three legions*, which he had raiſed by his own credit out of the Veterans, who had ſerved under his Father: he was kindly received by SYLLA; to whom he did great ſervice in the progreſs of the war, and was ever after much favored and employed by him [*q*].

SYLLA now carried all before him: he defeated one of the Conſuls, NORBANUS; and by the pretence of a treaty with the other Conſul, SCIPIO, found means to corrupt his army, and draw it over to himſelf [*r*]: he gave SCIPIO

[*p*] Plut. Life of Syll.
[*q*] Appian. Bell. civ. l. 1. 397, 399.
[*r*] Sylla cum Scipione inter Cales & Teanum—leges inter ſe & conditiones contulerunt; non tenuit omnino colloquium illud fidem, a vi tamen & periculo afuit. Philip. 12. xi.

Scipio however his life, who went into a voluntary exil at *Marſeilles* [*s*]. The new Conſuls choſen in the mean time at *Rome*, were Cn. Papirius Carbo and *young* Marius; the firſt of whom, after ſeveral defeats, was driven out of *Italy*, and the ſecond beſieged in *Prænesle*; where being reduced to extremity, and deſpairing of relief, he wrote to Damasippus, then Prætor of the City, to call a meeting of the Senators, as if upon buſineſs of importance, and put the principal of them to the ſword: in this maſſacre *many of the Nobles periſhed*; and *old* Scævola, *the High-Prieſt, the pattern of ancient temperance and prudence*, as Cicero calls him, *was ſlain before the altar of* Vesta [*t*]: after which ſacrifice of noble blood to the *manes* of his Father, *young* Marius put an end to his own life.

Pompey at the ſame time purſued Carbo into *Sicily*; and having taken him at *Lilybeum* ſent his head to Sylla, tho' he begged his life in an abject manner at his feet: this drew ſome reproach upon Pompey, for killing a man, to whom he had been highly obliged on an occaſion, *where his father's honor and his own fortunes were attacked.* But this is the conſtant effect of factions in States, to make men prefer the intereſts of a party, to all the conſiderations, either of private or public duty; and it is not ſtrange, that Pompey, young and ambitious, ſhould pay more regard to the power of Sylla, than to a ſcruple of honor or gratitude [*u*]. Cicero however ſays of this Carbo, that there never was *a worſe Citizen, or more*

[*s*] Pro Sextio, 3.

[*t*] De Nat. Deor. 3. 32.

[*u*] Sed nobis tacentibns Cn. Carbonis, a quo admodum adoleſcens de paternis bonis in foro dimicans protectus es, juſſu tuo interempti mors animis hominum obſervabitur, non ſine aliqua reprehenſione: quia tam ingrato facto, plus L. Syllæ viribus, quam propriæ indulſiſti verecundiæ. Val. Max. 5. 3.

more wicked man [x]: which will go a great way towards excuſing POMPEY's act.

SYLLA having ſubdued all, who were in arms againſt him, was now at leiſure to take his full revenge on their friends and adherents; in which, by the deteſtable method of a *Proſcription*, *of which he was the firſt author and inventor*, he exerciſed a more infamous cruelty, than had ever been practiſed in cold blood in that, or perhaps in any other City [y]. The proſcription was not confined to *Rome*, but carried thro' all the Towns of *Italy*; where beſides the crime of party, which was pardoned to none, it *was fatal to be poſſeſſed of money, lands, or a pleaſant ſeat*; all manner of licence being indulged to an inſolent army, of carving for themſelves what fortunes they pleaſed [z].

IN this general deſtruction of the *Marian faction*, J. CÆSAR, then about ſeventeen years old, had much difficulty to eſcape with life: he was nearly allied to old MARIUS, and had married CINNA's daughter; whom he could not be induced to put away, by all the threats of SYLLA; who, conſidering him for that reaſon as irreconcileable to his intereſts, deprived him of his wife's fortune and the Prieſthood, which he had obtained. CÆSAR therefore apprehending ſtill ſomewhat worſe, thought it prudent to retire and conceal himſelf in the country; where,

[x] Hoc vero, qui Lilybeii ompeio noſtro eſt interfectus, improbrior nemo, meo judicio, fuit. Ep. fam. 9. 21.

[y] Primus ille, & utinam ultimus, exemplum proſcriptionis invenit, &c. Vell. Pat. 2. 28. *N. B.* The manner of *Proſcribing* was, to write down the names of thoſe, who were doomed to die, and expoſe them on tables fixt up in the public places of the City, with the promiſe of a certain reward for the head of each perſon ſo proſcribed. So that tho' *Marius* and *Cinna* maſſacred their enemies with the ſame cruelty in cold blood, yet they did not do it in the way of *Proſcription*, nor with the offer of a reward to the Murtherers.

[z] Namque uti quiſque domum aut villam, poſtremo aut vas aut veſtimentum alicujus concupiverat, dabat operam, ut is in proſcriptorum numero eſſet.——Neque prius finis jugulandi fuit, quam Sylla omnes ſuos divitiis explevit. Salluſt. c. 51. Plutar. Sylla.

where being discovered accidentally by SYLLA's soldiers, he was forced to redeem his head by a very large summ: but the intercession of the Vestal Virgins, and the authority of his powerfull relations, extorted a grant of his life very unwillingly from SYLLA; who bad them take notice, *that he, for whose safety they were so sollicitous, would one day be the ruin of that Aristocracy, which he was then establishing with so much pains; for that he saw many* MARIUS's *in one* CÆSAR [*a*]. The event confirmed SYLLA's prediction; for by the experience of these times, young CÆSAR was instructed both how to form, and to execute that scheme, which was the grand purpose of his whole life, of oppressing the liberty of his Country.

As soon as the proscriptions were over, and the scene grown a little calm, L. FLACCUS, being chosen Interrex, declared SYLLA *Dictator for settling the state of the Republic* without any limitation of time; and ratified *whatever he had done, or should do, by a special law, that impowered him to put any Citizen to death without hearing or trial* [*b*]. This office of *Dictator*, which in early times had oft been of singular service to the Republic, in cases of difficulty and distress, was now grown odious and suspected, in the present state of it's wealth and power, as dangerous to the public liberty; and for that reason had been wholly disused and laid aside for *one hundred and twenty years* past [*c*]: so that FLACCUS's Law was the pure effect of force and terror; and tho' pretended to be made by

[*a*] Scirent eum, quem incolumem tanto opere cuperent, quandoque optimatium partibus, duas secum simul defendissent, exitio futurum: nam Cæsari multos Marios inesse. [Sueton. J. Cæs. c. 1. Plutar. in Cæs.]—Cinnæ gener, cujus filiam ut repudiaret nullo modo compelli potuit. Vell. Pat. 2. 42.

[*b*] De Leg. Agrar. con. Rull. 3. 2.

[*c*] Cujus honoris usurpatio per annos CXX intermissa——ut appareat populum Romanum usum Dictatoris non tam desideraſſe, quam timuisse potestatem imperii, quo priores ad vindicandam maximis periculis Rempub. usi fuerant. Vell. Pat. 2. 28.

the people, was utterly deteſted by them. SYLLA however, being inveſted by it with abſolute authority, made many uſeful regulations for the better order of the Government; and by the plenitude of his power changed in great meaſure the whole conſtitution of it, from a *Democratical to an Ariſtocratical* form; by advancing the prerogative of the Senate, and depreſſing that of the people. *He took from the Equeſtrian order the judgment of all cauſes, which they had enjoyed from the time of the* GRACCHI, *and reſtored it to the Senate*; deprived the people of the right *of chuſing the Prieſts*, and replaced it in the *Colleges of Prieſts*; but *above all, he abridged the immoderate power of the Tribuns*, which had been the chief ſource of all their civil diſſenſions; for *he made them incapable of any other Magiſtracy after the Tribunate*; *reſtrained the liberty of appealing to them*; *took from them their capital privilege, of propoſing laws to the people*; *and left them nothing but their negative*; or as CICERO ſays, *the power onely of helping, not of hurting any one* [*d*]. But that he might not be ſuſpected of aiming at a perpetual Tyranny, and a total ſubverſion of the Republic, he ſuffered the Conſuls to be choſen in the regular manner, and to govern, as uſual, in all the ordinary affairs of the City: whilſt he employed himſelf particularly in reforming the diſorders of the State, by putting his new laws in execution; and in diſtributing the confiſcated lands of the adverſe party among his Legions: ſo that the Republic ſeemed to be once more ſettled on a legal baſis, and the laws and judicial proceedings began to floriſh in the Forum. About the ſame time MOLO *the Rhodian* came again to *Rome*, to ſollicit

[*d*] De Legib. 3. 10. It. vid. Pigh. Annal. ad A. Urb. 672.

the payment of what was due to his Country, for their ſervices in *the Mithridatic war*; which gave CICERO an opportunity of putting himſelf a ſecond time under his direction, and perfecting his Oratorical talents by the farther inſtructions of ſo renowned a Maſter [*e*]: whoſe abilities and character were ſo highly reverenced, that he was *the firſt of all Foreigners, who was ever allowed to ſpeak to the Senate in Greek without an Interpreter* [*f*]. Which ſhews in what vogue the Greek learning, and eſpecially eloquence, floriſhed at this time in *Rome*.

CICERO had now run thro' all that courſe of diſcipline, which he lays down as neceſſary to form *the complete Orator:* for, in his treatiſe on that ſubject, he gives us his own ſentiments in the perſon of CRASSUS, on the inſtitution requiſite to that character; declaring, *that no man ought to pretend to it, without being previouſly acquainted with every thing worth knowing in art or nature; that this is implied in the very name of an Orator; whoſe profeſſion it is to ſpeak upon every ſubject, which can be propoſed to him; and whoſe eloquence, without the knowledge of what he ſpeaks, would be the prattle onely and impertinence of children* [*g*]. He had learnt the rudiments of Grammar and languages from the ableſt teachers; gone thro' the ſtudies of humanity and the politer letters with *the Poet* ARCHIAS; been inſtructed in Philoſophy by the principal Profeſſors of each ſect; PHÆDRUS *the Epicurean*, PHILO *the Acedemic*, DIODOTUS *the Stoic*; acquired a perfect knowledge of the law, from the greateſt Lawyers, as well as the greateſt Stateſman of *Rome*, *the two*

[*e*] Brut. p. 434.

[*f*] Eum ante omnes exterarum gentium in Senatu ſine interprete auditum conſtat. Val. Max. 2. 2.

[*g*] Ac mea quidem ſententia, nemo poterit eſſe omni laude cumulatus orator, niſi erit omnium rerum magnarum, atque artium ſcientiam conſecutus. De Orat. 1. 6. 2. 2.

two SCÆVOLA's; all which accompliſhments were but miniſterial and ſubſervient to that, on which his hopes and ambition were ſingly placed, the reputation *of an Orator:* to qualify himſelf therefore particularly for this, he attended the pleadings of all the ſpeakers of his time; heard the dayly lectures of the moſt eminent Orators of *Greece*; and was perpetually compoſing ſomewhat at home, and declaming under their correction: and that he might neglect nothing, which could help in any degree to improve and poliſh his ſtile, he ſpent the intervals of his leiſure in the company of the Ladies; eſpecially of thoſe, who were remarkable for a politeneſs of language, and whoſe fathers had been diſtinguiſhed by a fame and reputation of their eloquence. While he ſtudied the law therefore under SCÆVOLA *the Augur*, he frequently converſed with *his wife* LÆLIA; *whoſe diſcourſe*, he ſays, *was tinctured with all the elegance of her Father* LÆLIUS, the politeſt ſpeaker of his age [*b*]: he was acquainted likewiſe with her daughter MUCIA, who married *the great Orator* L. CRASSUS; and with her Grandaughters, *the two* LICINIÆ; one of them, the wife of L. SCIPIO; the other of *young* MARIUS; who all excelled in that delicacy of the Latin tongue, which was peculiar to their families, and valued themſelves on preſerving and propagating it to their poſterity.

THUS adorned and accompliſhed, he offered himſelf to the bar about the age of twenty-ſix; not as others generally did, raw and ignorant of their buſineſs, and wanting to be formed to it by uſe and experience [*i*]; but finiſhed, and qualified at once to ſuſtain any cauſe,

[*b*] Legimus epiſtolas Corneliæ, matris Gracchorum——auditus eſt nobis Læliæ, Caii filiæ, ſæpe ſermo: ergo illam patris elegantia tinctam vidimus; & filias ejus Mucias ambas, quarum ſermo mihi fuit notus, &c. Brut. 319.

[*i*] Ib. 433.

which ſhould be committed to him. It has been controverted both by the ancients and moderns, what was the firſt cauſe in which he was engaged: ſome give it for that of P. QUINCTIUS; others for S. ROSCIUS: but neither of them are in the right; for in his Oration for QUINCTIUS he expreſſly declares, that he had pleaded *other cauſes before it*; and in that for ROSCIUS, ſays onely, that it was *the firſt public or criminal cauſe*, in which he was concerned: and it is reaſonable to imagine, that he had tried his ſtrength, and acquired ſome credit in private cauſes, before he would venture upon a public one of that importance; agreeably to the advice, which QUINTILIAN gives to his young pleaders [*k*], whoſe rules are generally drawn from the practice and example of CICERO.

THE Cauſe of P. QUINCTIUS, was to defend him from an action of bankruptcy, brought againſt him by a creditor; who, on pretence *of his having forfeited his recognizance, and withdrawn himſelf from juſtice, had abtained a decree to ſeize his eſtate, and expoſe it to ſale.* The creditor was one of the public Criers, who attended the Magiſtrates, and by his intereſt among them, was likely to oppreſs QUINCTIUS, and had already gained an advantage againſt him by the authority of HORTENSIUS, who was his Advocate. CICERO entered into the cauſe, at the earneſt deſire of the famed Comedian, ROSCIUS, whoſe ſiſter was QUINCTIUS's wife [*l*]: he endeavoured at firſt to excuſe himſelf; alledging, *that he ſhould not be able to ſpeak a word againſt* HORTENSIUS, *any more than the other Players could act with any ſpirit before* ROSCIUS; but ROSCIUS would take no excuſe, having formed ſuch a judeg-

[*k*] Quintil. 12. 6. [*l*] Pro Quinct. 24.

a judgement of him, as to think no man ſo capable of ſupporting a deſperate cauſe, againſt a crafty and powerfull adverſary.

AFTER he had given a ſpecimen of himſelf to the City, in this, and ſeveral other private cauſes, he undertook the celebrated defence of S. ROSCIUS of *Ameria*, in his 27th year; the ſame age, as the learned have obſerved, *in which* DEMOSTHENES *firſt began to diſtinguiſh himſelf in Athens*; as if in theſe genius's of the firſt magnitude that was the proper ſeaſon of blooming towards maturity. The caſe of ROSCIUS was this: *his father was killed in the late proſcription of* SYLLA; *and his eſtate, worth about* 60,000 *l. ſterling, was ſold among the confiſcated eſtates of the proſcribed, for a trifling ſumm to* L. CORNELIUS CHRYSOGONUS, *a young favorite ſlave, whom* SYLLA *had made free; who, to ſecure his poſſeſſion of it, accuſed the ſon of the murther of his father, and had provided evidence to convict him*; ſo that the young man was like to be deprived, not onely of his fortunes, but by a more villainous cruelty of his honor alſo and his life. All the old Advocates refuſed to defend him, fearing the power of the Proſecutor, and the reſentment of SYLLA [*m*]; ſince ROSCIUS's defence would neceſſarily lead them into many complaints on the times, and the oppreſſions of the great: but CICERO readily undertook it, as a glorious opportunity of enliſting himſelf into the ſervice of his country; and of giving a public teſtimony of his principles and zeal for that liberty, to which he had devoted the labors of his life. ROSCIUS was acquitted, to the great honor of CICERO;

[*m*] Ita loqui homines; ——huic patronos propter Chryſogoni gratiam defuturos,—ipſo nomine parricidii & atrocitate criminis fore, ut hic nullo negotio tolleretur, cum a nullo defenſus ſit.——Patronos huic defuturos putaverunt; deſunt. Qui libere dicat, qui cum fide defendat, non deeſt profecto, Judices.—Pr. Roſcio Amer. 10, 11.

CICERO; whoſe courage and addreſs in defending him was applauded by the whole City; ſo that from this moment he was looked upon *as an advocate of the firſt claſs, and equal to the greateſt cauſes* [n].

HAVING occaſion, in the courſe of his pleading, to mention that remarkable puniſhment, which their anceſtors had contrived *for the murther of a parent*; *of ſowing the criminal alive into a ſack, and throwing him into the river*, he ſays; *that the meaning of it was, to ſtrike him at once as it were out of the ſyſtem of nature, by taking from him the air, the ſun, the water, and the earth; that he, who had deſtroyed the author of his being, ſhould loſe the benefit of thoſe elements, whence all things derive their being. They would not throw him to the beaſts; leſt the contagion of ſuch wickedneſs ſhould make the beaſts themſelves more furious: they would not commit him naked to the ſtream; leſt he ſhould pollute the very ſea, which was the purifier of all other pollutions; they left him no ſhare of any thing natural, how vile or common ſoever: for what is ſo common, as breath to the living, earth to the dead, the ſea to thoſe who float, the ſhoar to thoſe who are caſt up? Yet theſe wretches live ſo, as long as they can, as not to draw breath from the air; die ſo, as not to touch the ground; are ſo toſſed by the waves, as not to be waſhed by them; ſo caſt out upon the ſhoar, as to find no reſt even on the rocks* [o]. This paſſage was received with acclamations of applauſe; yet ſpeaking of it afterwards himſelf, he calls it *the redundancy of a juvenile fancy, which wanted the correction of his ſounder judgment; and, like all the compoſitions of young men, was not applauded ſo much for it's*

[n] Prima cauſa publica, pro S. Roſcio dicta, tantum commendationis habuit, ut non ulla eſſet, quæ non noſtro digna patrocinio videretur. Deinceps inde multæ. Brut. 434.

[o] Pro Roſc. 26.

it's own ſake, as for the hopes which it gave of his more improved and ripened talents [*p*].

THE popularity of his cauſe, and the favor of the audience gave him ſuch ſpirits, that he expoſed the inſolence and villainy of the favorite CHRYSOGONUS with great gaiety; and ventured even to mingle ſeveral bold ſtrokes at SYLLA himſelf; which he took care however to palliate, by obſerving, *that thro' the multiplicity of* SYLLA's *affairs, who reigned as abſolute on earth, as* JUPITER *did in heaven, it was not poſſible for him to know, and neceſſary even to connive at many things, which his favorites did againſt his will* [*q*]. *He would not complain*, he ſays, *in times like thoſe, that an innocent man's eſtate was expoſed to public ſale; for were it allowed to him to ſpeak freely on that head,* ROSCIUS *was not a perſon of ſuch conſequence, that he ſhould make a particular complaint on his account; but he muſt inſiſt upon it, that by the law of the Proſciption itſelf, whether it was* FLACCUS's *the Interrex, or* SYLLA's *the Dictator, for he know not which to call it,* ROSCIUS's *eſtate was not forfeited, nor liable to be ſold* [*r*]. In the concluſion, he puts the Judges in mind, *that nothing was ſo much aimed at by the Proſecutors in this trial, as, by the condemnation of* ROSCIUS, *to gain a precedent for deſtroying the children of the proſcribed: he conjures them therefore by all the Gods, not to be the authors of reviving a ſecond proſcription, more barbarous and cruel than the firſt, that the Senate refuſed to bear any part in the firſt, leſt it ſhould be thought to be authorized by the public council;—that it was their buſineſs by this ſentence to put a ſtop to that ſpirit of cruelty, which then poſſeſſed the City, ſo pernicious to the Republic, and ſo*

[*p*] Orator. 258. ed. Lamb. [*q*] Pro Roſc. 45. [*r*] Ib. 43.

ſo contrary to the temper and character of their anceſtors.—

As by this defence he acquired a great reputation in his youth, ſo he reflects upon it with pleaſure in old age, and recommends it to his ſon, as the ſureſt way to true glory and authority in his country; to *defend the innocent in diſtreſs, eſpecially when they happen to be oppreſſed by the power of the Great*; *as I have often done*, ſays he, *in other cauſes, but particularly in that of* ROSCIUS, *againſt* SYLLA *himſelf in the height of his power* [*s*]. A noble leſſon to all advocates, to apply their talents to the protection of innocence and injured virtue; and to make juſtice, not profit, the rule and end of their labors.

PLUTARCH ſays, *that preſently after this trial* CICERO *took occaſion to travel abroad, on pretence of his health, but in reality to avoid the effects of* SYLLA's *diſpleaſure*: but there ſeems to be no ground for this notion: for SYLLA's revenge was now ſatiated, and his mind wholly bent on reſtoring the public tranquillity; and it is evident, that CICERO continued *a year after this in* Rome without any apprehenſion of danger; engaged, as before, in the ſame taſk of pleading cauſes [*t*]; and in one eſpecially, more obnoxious to SYLLA's reſentment, even than that of ROSCIUS: for in the caſe *of a woman of Arretium, he defended the right of certain Towns of Italy to the freedom of Rome, tho'* SYLLA *himſelf had deprived them of it by an expreſs law*; *maintaining it to be one of thoſe natural rights, which no law or power on earth could take from them*: in which alſo he carried his point, in oppoſition

[*s*] Ut nos & ſæpe aliàs & adoleſcentes, contra L. Sullæ dominantis opes pro S. Roſcio Amerino fecimus; quæ, ut ſcis, extat Oratio. De Offic. 2. 14.

[*t*] Prima cauſa publica pro S. Roſcio dicta ——deinceps inde multæ——itaque cum eſſem biennium verſatus in cauſis. Brut. p. 434, 437.

ſition to COTTA, an Orator of the firſt character and abilities, who pleaded againſt him [*u*].

BUT we have a clear account from himſelf of the real motive of his journey: *my body*, ſays he, *at this time was exceedingly weak and emaciated; my neck long and ſmall; which is a habit thought liable to great riſk of life, if engaged in any fatigue or labor of the lungs; and it gave the greater alarm to thoſe, who had a regard for me, that I uſed to ſpeak without any remiſſion or variation; with the utmoſt ſtretch of my voice, and great agitation of my body; when my friends therefore and Phyſicians adviſed me to meddle no more with cauſes, I reſolved to run any hazard, rather than quit the hopes of that glory, which I propoſed to myſelf from pleading: but when I conſidered, that by managing my voice, and changing my way of ſpeaking, I might both avoid all danger, and ſpeak with more eaſe, I took a reſolution of travelling into Aſia, merely for an opportunity af correcting my manner of ſpeaking: ſo that after I had been two years at the bar, and acquired a reputation in the Forum, I left Rome*, &c. [*x*].

HE was *twenty-eight years old*, when he ſet forward upon his travels to *Greece* and *Aſia*; the faſhionable tour of all thoſe, who travelled either for curioſity or improvement: his firſt viſit was to *Athens*, the capital ſeat of arts and ſciences; where ſome writers tell us, that he ſpent *three years* [*y*]; tho' in truth it was but ſix months: he took up his quarters with ANTIOCHUS, the principal Philoſopher of *the old academy*; and *under this excellent*

[*u*] Populus Romanus, L. Sulla Dictatore ferente, comitiis centuriatis, municipiis civitatem ademit: ademit iiſdem agros: de agris ratum eſt: fuit enim populi poteſtas: de civitate ne tamdiu quidem valuit, quamdiu illa Sullani temporis arma valuerunt.——Atque ego hanc adoleſcentulus cauſam cum agerem, contra hominem diſertiſſimum contradicente Cotta, & Sulla vivo, judicatum eſt. Pr. dom. ad Pontif. 33. pr. Cæcina. 33.

[*x*] Brut. 437.

[*y*] Euſebii Chron.

maſter renewed, he ſays, *thoſe ſtudies, which he had been fond of from his earlieſt youth.* Here he met with his ſchool-fellow T. POMPONIUS; who from his love to *Athens*, and his ſpending a great part of his days in it, obtained the ſurname of ATTICUS [*z*]; and here they revived and confirmed that memorable friendſhip, which ſubſiſted between them through life, with ſo celebrated a conſtancy and affection. ATTICUS, being an *Epicurean*, was often drawing CICERO from his hoſt ANTIOCHUS to the converſation of PHÆDRUS and *old* ZENO, the chief Profeſſors of *that* ſect; in hopes of making him a convert; on which ſubject they uſed to have *many diſputes between themſelves:* but CICERO's view in theſe viſits was but *to convince himſelf more effectually of the weakneſs of that doctrine, by obſerving how eaſily it might be confuted, when explaned even by the ableſt teachers* [*a*]. Yet he did not give himſelf up ſo entirely to Philoſophy, as to neglect his *rhetorical exerciſes*, which he performed ſtill every day very diligently with DEMETRIUS the *Syrian*, an experienced maſter of the art of ſpeaking [*b*].

IT was in this firſt journey to *Athens*, that he was initiated moſt probably *into the Eleuſinian myſteries:* for tho' we have no account of the time, yet we cannot fix it better than in a voyage undertaken for the improvement, both of his mind and of his body. The reverence, with which he always ſpeaks of theſe myſteries, and the hints that he has dropt of their end and uſe, ſeem to confirm what a very learned and ingenious writer has delivered of them, that they were contrived to inculcate *the unity of*

[*z*] Pomponius—ita enim ſe Athenis collocavit, ut fine pæne unus ex Atticis, & id etiam cognomine videatur habiturus. De Fin. 5. 2.

[*a*] De Fin. 1. 5. de Nat. Deor. 1. 21.

[*b*] Eodem tamen tempore apud Demetrium Syrum, veterem & non ignobilem dicendi magiſtrum ſtudioſe exerceri ſolebam. Brut. 437.

of God, and the immortality of the Soul [c]. As for the firſt; after obſerving to ATTICUS, who was one alſo of *the initiated*, how *the Gods of the popular religions were all but deceaſed mortals, advanced from earth to heaven*, he bids him *remember the doctrine of the myſteries, in order to recollect the univerſality of that truth:* and as to the ſecond, he declares *his initiation to be in fact what the name itſelf implied, a real beginning of life to him; as it taught the way, not onely of living with greater pleaſure, but of dying alſo with a better hope* [d].

FROM *Athens* he paſſed into *Aſia*, where he gathered about him all the principal Orators of the country; who kept him company through the reſt of his voyage; and with whom he conſtantly exerciſed himſelf in every place, where he made any ſtay. *The chief of them*, ſays he, *was* MENIPPUS *of Stratonica, the moſt eloquent of all the Aſiatics; and if to be neither tedious, nor impertinent, be*

[c] See Mr. Warburton's *Divine Legation of Moſes*. Vol. I.

[d] Ipſi, illi, majorum gentium Dii qui habentur, hinc a nobis in cœlum profecti reperientur—reminiſcere, quoniam es initiatus, quæ traduntur myſteriis; tum denique quam hoc late pateat intelliges. Tuſc. Quæſt. 1. 13.

Initiaque, ut appellantur, ita revera principia vitæ cognovimus: neque ſolum cum lætitia vivendi rationem accepimus, ſed etiam cum ſpe meliore moriendi. De Leg. 2. 14.

N. B. Theſe Myſteries were celebrated at ſtated ſeaſons of the year, with ſolemn ſhews and a great pomp of machinery, which drew a mighty concourſe to them from all countries. *L. Craſſus* the great Orator happened to come two days after they were over, and would gladly have perſuaded the Magiſtrates to renew them, but not being able to prevail, *left the City in diſguſt* [1]: which ſhews how cautious they were of making them too cheap, when they refuſed the ſight of them out of the proper ſeaſon, to one of the firſt Senators of *Rome*. The ſhews are ſuppoſed to have exhibited a repreſentation of *Heaven, Hell, Elyſium, Purgatory*, and all that related to the future ſtate of the dead; being contrived to inculcate more ſenſibly, and exemplify the doctrines delivered to the initiated: and as they were a proper ſubject for Poetry, ſo they are frequently alluded to by the ancient Poets. *Cicero*, in one of his letters to *Atticus*, begs of him, at the requeſt of *Chilius*, an eminent *Poet* of that age, to ſend them a relation of *the Eleuſinian rites*, which were deſigned probably for an Epiſode or Embelliſhment to ſome of *Chilius*'s works [2]. This confirms alſo the probability of that ingenious comment, which the ſame excellent writer has given on the *ſixth book of the Æneid*, where *Virgil*, as he obſerves, in deſcribing *the deſcent into Hell*, is but tracing out in their genuin order *the ſeveral ſcenes of the Eleuſinian ſhews* [3].

[1] Diutius eſſem moratus, niſi Athenienſibus, quod myſteria non referrent, ad quæ biduo ſerius veneram, ſuccenſuiſſem. De Orat. 3. 20. [2] Chilius te rogat, & ego ejus rogatu Ἐυμολπιδῶν πάτρια. Ad Att. 1. 5. [3] See Div. Legat. of Moſes, p. 182.

the characteriſtic of an Attic Orator, he may juſtly be ranked in that claſs: DIONYSIUS *alſo of Magneſia,* ÆSCHYLUS *of Cnidos, and* XENOCLES *of Adramyttus were continually with me; who were reckoned the firſt Rhetoricians of Aſia: nor yet content with theſe, I went to Rhodes; and applied myſelf again to* MOLO, *whom I had heard before at Rome; who was both an experienced Pleader, and a fine writer; and particularly expert in obſerving the faults of his ſcholars, as well as in his method of teaching and improving them; his greateſt trouble with me was, to reſtrain the exuberance of a juvenile imagination, always ready to overflow it's banks, within it's due and proper channel* [e].

BUT as at *Athens*, where he employed himſelf chiefly in philoſophy, he did not intermit his oratorical ſtudies, ſo at *Rhodes*, where his chief ſtudy was Oratory, he gave ſome ſhare alſo of his time to Philoſophy with POSIDONIUS, the moſt eſteemed and learned *Stoic* of that age; whom he often ſpeaks of with honor, not onely *as his maſter, but as his friend* [f]. It was his conſtant care, that the progreſs of his knowledge ſhould keep pace with the improvement of his eloquence; he conſidered the

[e] Brut. 437.

[f] He mentions a ſtory of this *Poſidonius*, which *Pompey* often uſed to tell; that after the *Mithridatic war, as he was returning from Syria towards Rome, he called at Rhodes, on purpoſe to hear him; but being informed, on his arrival there, that he was extremely ill of the gout, he had a mind however to ſee him; and in his viſit, when, after the firſt compliments, he began to expreſs his concern for finding him ſo ill, that he could not have the pleaſure to hear him: But you can hear me,* replied *Poſidonius; nor ſhall it be ſaid, that on the account of any bodily pain, I ſuffered ſo great a man to come to me in vain: upon which he entered preſently into an argument, as he lay upon his bed, and maintained with great eloquence, that nothing was really good, but what was honeſt: and being all the while in exquiſite torture, he often cried out, O pain, thou ſhalt never gain thy point; for be as vexatious as thou wilt, I will never own thee to be an evil.* This was the perfection of *Stoical Heroiſm*, to defy ſenſe and nature to the laſt: while another poor Stoic, *Dionyſius*, a Scholar of *Zeno*, the founder of the ſect, when by the torture of the ſtone, he was forced to confeſs, *that what his maſter had taught him was falſe, and that he felt pain to be an evil*, is treated by all their writers, as a *poltroon and baſe deſertor*. Which ſhews, that all their boaſted firmneſs was owing rather to a falſe notion of honor and reputation, than to any real principle, or conviction of reaſon. Nat. Deor. 2. 24. de Finib. 5. 31.

the one as the foundation of the other; and thought it in vain to acquire ornaments, before he had provided neceſſary furniture: he declamed here in *Greek*, becauſe MOLO *did not underſtand Latin*; and upon ending his declamation, while the reſt of the company were laviſh of their praiſes, MOLO, inſtead of paying any compliment, ſat ſilent a conſiderable time, till obſerving CICERO ſomewhat diſturbed at it, he ſaid, *as for you*, CICERO, *I praiſe and admire you; but pity the fortune of Greece, to ſee arts and eloquence, the onely ornaments which were left to her, tranſplanted by you to Rome* [*g*]. Having thus finiſhed the circuit of his travels, he came back again to *Italy*, after an excurſion of *two years*; extremely improved, and *changed as it were into a new man: the vehemence of his voice and action was moderated; the redundancy of his ſtile and fancy corrected; his lungs ſtrengthened; and his whole conſtitution confirmed* [*h*].

THIS voyage of CICERO ſeems to be the onely ſcheme and pattern of travelling, from which any real benefit is to be expected: he did not ſtir abroad, till he had completed his education at home; for nothing can be more pernicious to a nation, than the neceſſity of a foreign one; and after he had acquired in his own country whatever was proper to form a worthy Citizen and Magiſtrate of *Rome*, he went confirmed by a maturity of age and reaſon againſt the impreſſions of vice; not ſo much to learn, as to poliſh what he had learnt, by viſiting thoſe places, where arts and ſciences floriſhed in their greateſt perfection. In a tour the moſt delightfull of the world, he ſaw every thing that could entertain a curious traveller, yet ſtaid no where any longer than his benefit,

[*g*] Plutar. life of Cic. [*h*] Brut. 438.

benefit, not his pleaſure detained him. By his previous knowledge of the laws of *Rome*, he was able to compare them with thoſe of other cities, and to bring back with him whatever he found uſefull, either to his country or to himſelf. He was lodged, where-ever he came, in the houſes of the great and the eminent; not ſo much for their birth and wealth, as for their virtue, knowledge, and learning; men honored and reverenced in their ſeveral Cities, as the principal Patriots, Orators, and Philoſophers of the age: theſe he made the conſtant companions of his travels; that he might not loſe the opportunity even on the road, of profiting by their advice and experience: and from ſuch a voyage, it is no wonder, that he brought back every accompliſhment, which could improve and adorn a man of ſenſe.

POMPEY returned about this time victorious from *Afric*; where he had greatly enlarged the bounds of the Empire, by the conqueſt and addition of many new countries to the Roman dominion. He was received with great marks of reſpect by the Dictator SYLLA; who went out to meet him at the head of the nobility, and ſaluted him by the title of MAGNUS, or *the Great*; which from that authority was ever after given to him by all people. But his demand of a triumph diſguſted both SYLLA and the Senate; who thought it too ambitious in one, who had paſſed through none of the public offices, nor was of age to be a Senator, to aſpire to an honor, which had never been granted, except to Conſuls or Prætors: but POMPEY, inſiſting on his demand, extorted SYLLA's conſent; and was the firſt whoſe triumphal car is ſaid to have been drawn by *Elephants*; and the onely one of the Equeſtrian order who had ever triumphed: which

which gave an unuſual joy to the people, to ſee a man of their own body obtain ſo ſignal an honor; and much more; to ſee him deſcend again from it to his old rank, and private condition among the Knights [*i*].

WHILE POMPEY, by his exploits in war, had acquired the ſurname of *the Great*, J. CÆSAR, about ſix years younger, was giving proofs likewiſe of his military genius, and ſerving as a volunteer at the ſiege of *Mitylene*; a ſplendid and floriſhing City of *Leſbos*, which had aſſiſted MITHRIDATES in the late war; and perfidiouſly delivered up to him M. AQUILIUS, a perſon of Conſular dignity; who had been ſent Embaſſador to that King, and after the defeat of the Roman army had taken refuge in MITYLENE, as in a place of the greateſt ſecurity. MITHRIDATES is ſaid to have treated him with the laſt indignity; carrying him about in triumph, mounted upon an Aſs, and forcing him to proclaim every where aloud, that he was AQUILIUS, who had been the chief cauſe of the war. But the Town now paid dear for that treachery, being taken by ſtorm, and almoſt demoliſhed by Q. THERMUS: tho' POMPEY reſtored it afterwards to it's former beauty and liberty, at the requeſt of his favorite freedman THEOPHANES. In this ſiege, CÆSAR obtained the honor of a *Civic crown*; which, tho' made onely of *oaken leaves*, was eſteemed the moſt reputable badge of Martial virtue; and never beſtowed, but for ſaving the life of a Citizen, and killing at the ſame time an enemy [*k*].

SYLLA

[*i*] Bellum in Africa maximum confecit, victorem exercitum deportavit. Quid vero tam inauditum, quam Equitem Rom. triumphare? Pro. leg. Man. 21. Africa vero tota ſubacta—magnique nomine, ſpolio inde capto, Eques Romanus, id quod antea nemo, curru triumphali invectus eſt. [Plin. Hiſt. Nat. 7. 26.] Romæ primum juncti Elephantes ſubiere currum Pompeii Magni Africano triumpho. Ib. 8. 2. Plutar. in Pomp.

[*k*] Quid Mitylenæ? quæ certe veſtræ, Quirites, belli lege, & victoriæ jure factæ ſunt: Urbs

SYLLA died while CICERO was at *Athens*; after he had laid down his Dictatorſhip and reſtored liberty to the Republic; and, with an uncommon greatneſs of mind, lived many months as a private Senator and with perfect ſecucurity in that City, where he had exerciſed the moſt bloody tyranny: but nothing was thought to be greater in his character, than that during the three years, in which the *Marians* were maſters of *Italy*, he neither diſſembled his reſolution of purſuing them by arms, nor neglected the war which he had upon his hands; but thought it his duty, firſt to chaſtiſe a foreign enemy, before he took his revenge upon Citizens [*l*]. His family was noble and *Patrician*; which yet, through the indolence of his Anceſtors, had made no figure in the Republic for many generations, and was almoſt ſunk into obſcurity, till he produced it again into light, by aſpiring to the honors of the State. He was a lover and patron of polite letters, and had carefully inſtituted himſelf in all the learning of *Greece* and *Rome*; but from a peculiar gaiety of temper, and fondneſs for the company of Mimics and Players, was drawn, when young, into a life of luxury and pleaſure; ſo that when he was ſent *Quæſtor to* MARIUS *in the Jugurthine war*, MARIUS complained that in ſo rough and deſperate a ſervice, chance had given him *ſo ſoft and delicate a Quæſtor*. But whether rouſed by the example, or ſtung by the reproach of his General, he behaved himſelf in that charge with the greateſt vigor and courage; ſuffering no man to outdo

Urbs & natura & ſitu, & deſcriptione ædificiorum & pulchritudine imprimis nobilis. [De leg. Agrar. 2. 16.] A Thermo in expugnatione Mitylenarum corona civica donatus eſt. [Suet. J. Cæſ. 2.] Hinc civicæ coronæ, militum virtutis inſigne clariſſimum. Plin. Hiſt. Nat. 16. 4. Vell. Pat. 2. 18. Vid. Appian. Bell. Mithrid. p. 184. Val. Max. 9. 13.

[*l*] Vix quidquam in Syllæ operibus clarius duxerim, quam quod, cum per triennium Cinnanæ Marianæque partes Italiam obſiderent, neque illaturum ſe bellum eis diſſimulavit, nec quod erat in manibus omiſit; exiſtimavitque ante frangendum hoſtem, quam ulciſcendum civem. Vell. Pat. 2. 24.

outdo him in any part of military duty or labor; making himſelf equal and familiar even to the loweſt of the ſoldiers; and obliging them all by his good offices and his money; ſo that he ſoon acquired the favor of the army, with the character of a brave and ſkillfull Commander; and lived to drive MARIUS himſelf, baniſhed and proſcribed, into that very province, where he had been contemned by him at firſt as his Quæſtor [*m*]. He had a wonderfull faculty of concealing his paſſions and purpoſes; and was ſo different from himſelf in different circumſtances, that he ſeemed as it were to be *two men in one*: no man was ever *more mild and moderate before victory*; *none more bloody and cruel after it* [*n*]. In war he practiſed the ſame art, that he had ſeen ſo ſucceſsfull to MARIUS, of raiſing a kind of enthuſiaſm and contempt of danger in his army, by the *forgery of auſpices and divine admonitions*: for which end he carried always about with him *a little ſtatue of* APOLLO, *taken from the Temple of Delphi*; *and whenever he had reſolved to give battel, uſed to embrace it in ſight of the ſoldiers, and beg the ſpeedy confirmation of it's promiſes to him* [*o*]. From an uninterrupted courſe of ſucceſs and proſperity he aſſumed a ſurname, unknown before to the *Romans*, of FELIX or *the Fortunate*; *and would have been fortunate indeed*, ſays VELLEIUS, *if his life had ended with his victo-*

ries.

[*m*] Gentis Patriciæ nobilis fuit; familia prope jam extincta majorum ignavia: litteris græcis atque latinis juxta atque doctiſſime eruditus.—[Salluſt. Bell. Jugurth. 95.] Uſque ad Queſturæ ſuæ comitia, vitam libidine, vino, ludicræ artis amore inquinatam perduxit. Quapropter C. Marium conſulem moleſte tuliſſe traditur, quod ſibi, aſperrimum in Africa bellum gerenti, tam delicatus Quæſtor ſorte obveniſſet, &c. [Val. Max. 6. 9.] Salluſt. ib.

[*n*] Ad ſimulanda negotia altitudo ingenii incredibilis—[Salluſt. ib.] quæ tam diverſa, tamque inter ſe contraria, ſi quis apud animum ſuum expendere velit, duos in uno homine Syllas fuiſſe crediderit—[Val. M. 6. 9.] Adeo enim Sylla fuit diſſimilis bellator ac victor, ut dum vincit juſtiſſimo lenior; poſt victoriam audito fuerit crudelior—ut in eodem homine duplicis ac diverſiſſimi animi conſpiceretur exemplum. Vell. Pat. 2. 25.

[*o*] Quotiis prælium committere deſtinabat, parvum Apollinis ſignum Delphis ſublatum, in conſpectu militum complexus, orabat, uti promiſſa maturaret. Val. M. 1. 2. de Div. 1. 33.

ries [*p*]. PLINY calls it a wicked title, drawn from the blood and oppreſſion of his country; for which poſterity would think him more unfortunate, even than thoſe whom he had put to death [*q*]. He had one felicity however peculiar to himſelf, of being the onely man in hiſtory, in whom the odium of the moſt barbarous cruelties was extinguiſhed by the glory of his great acts. CICERO, tho' he had a good opinion of his cauſe, yet deteſted the inhumanity of his victory; and never ſpeaks of him with reſpect, nor of his government, but as a proper tyranny; calling him *a maſter of three moſt peſtilent vices*; *luxury*, *avarice*, *cruelty* [*r*]. He was the firſt of his family, whoſe dead body was burnt: for having ordered MARIUS's *remains to be taken out of his grave, and thrown into the river Anio*, he was apprehenſive of the ſame inſult upon his own, if left to the uſual way of burial [*s*]. A little before his death, he made his own Epitaph, the ſumm of which was, *that no man had ever gone beyond him, in doing good to his friends, or hurt to his enemies* [*t*].

As ſoon as Sylla was dead, the old diſſenſions, that had been ſmothered a while by the terror of his power, burſt out again into a flame between the two factions; ſupported ſeverally by the two Conſuls, Q. CATULUS and M. LEPIDUS,

[*p*] Quod quidem uſurpaſſet juſtiſſime, ſi eundem & vincendi & vivendi finem habuiſſet. Vell. Pat. 2. 27.

[*q*] Unus hominum ad hoc ævi Felicis ſibi cognomen aſſeruit—civili nempe ſanguine, ac patriæ oppugnatione adoptatus, &c. Plin. Hiſt. Nat. 7. 43.

[*r*] Qui trium peſtiferorum vitiorum, luxuriæ, avaritiæ, crudelitatis magiſter fuit. De Fin. 3. 22. de Offic. 2. 8.

[*s*] Quod haud ſcio an timens ſuo corpori, primus e Patriciis Corneliis igne voluit cremari. De Leg. 2. 22. Val. Max. 9. 2.

[*t*] Plutarch. in Sylla.

The following Votive Inſcription was found in *Italy*, in the year 1723, near *Cicero's Arpinum*, between *Atina* and *Sora*, which had been dedicated probably by *Sylla*, about the time of his aſſuming the ſurname of FELIX, ſoon after his firſt ſucceſs, and defeat of the Chiefs, who were in arms againſt him at home.

IOVI
QVOD PERICVLVM
FELICITER EVASERIT
L. SVLLA
V. S. L A.

M. LEPIDUS,, who were wholly oppoſite to each other in party and politics. LEPIDUS reſolved at all adventures to reſcind the acts of SYLLA, and recall the exiled *Marians*; and began openly to ſollicit the people to ſupport him in that reſolution: but his attempt, tho' plauſible, was factious and unſeaſonable; tending to overturn the preſent ſettlement of the Republic; which after it's late wounds and loſs of civil blood, wanted nothing ſo much as reſt and quiet, to recover a tolerable degree of ſtrength. CATULUS's father, the ableſt Stateſman of his time, and the chief aſſertor of the *Ariſtocratical* intereſt, had been condemned to die by MARIUS: the ſon therefore, who inherited his virtues, as well as principles, and was confirmed in them by a reſentment of that injury, vigorouſly oppoſed and effectually diſappointed all the deſigns of his Collegue; who finding himſelf unable to gain his end without recurring to arms, retired to his government of *Gaul*, with intent to raiſe a force ſufficient to ſubdue all oppoſition; where the fame of his levies and military preparations gave ſuch umbrage to the Senate, that they ſoon abrogated his command. Upon this he came forward into *Italy* at the head of a great army; and having poſſeſſed himſelf of *Etruria* without oppoſition, marched in an hoſtile manner towards the City, to the demand of a ſecond Conſulſhip. He had with him ſeveral of the chief Magiſtrates, and the good wiſhes of all the Tribuns; and hoped, by the authority of the *Marian* cauſe, which was always favored by the populace, to advance himſelf into SYLLA's place, and uſurp the ſoverein power of *Rome*. CATULUS in the mean time, upon the expiration of his office, was inveſted with Proconſular authority, and charged with the defenſe of the government; and POMPEY

alſo, by a decree of the Senate, was joined with him in the ſame commiſſion; who having united their forces before LEPIDUS could reach the city, came to an engagement with him near the *Milvian* bridge, within a mile or two from the walls, where they totally routed and diſperſed his whole army. But the *Ciſalpine Gaul* being ſtill in the poſſeſſion of his Lieutenant, M. BRUTUS, the father of him, who afterwards killed CÆSAR, POMPEY marched forward to reduce that Province: where BRUTUS, after ſuſtaining a ſiege in *Modena*, ſurrendered himſelf into his hands; but being conducted, as he deſired, by a guard of horſe to a certain village upon the *Po*, he was there killed by POMPEY's orders. This act was cenſured as cruel and unjuſt, and POMPEY generally blamed for killing a man of the firſt quality, who had ſurrendered himſelf votuntarily and on the condition of his life: but he acted probably by the advice of CATULUS, in laying hold of the pretext of BRUTUS's treaſon, to deſtroy a man, who, from his rank and authority, might have been a dangerous Head to the *Marian* party, and capable of diſturbing that *Ariſtocracy*, which SYLLA had eſtabliſhed; and which the Senate and all the better ſort were very deſirous to maintain. LEPIDUS eſcaped into *Sardinia*, where he died ſoon after of grief, to ſee his hopes and fortunes ſo miſerably blaſted: and thus ended *the civil war of* LEPIDUS, as the Roman writers call it, which, tho' but ſhort-lived, was thought conſiderable enough by SALLUST, to be made the ſubject of a diſtinct Hiſtory, of which ſeveral fragments are ſtill remaining [*u*].

As

[*u*] M. Lepido, Q. Catulo Coſſ. civile bellum pæne citius oppreſſum eſt, quam inciperet—fax illius motus ab ipſo Syllæ rogo exarſit. Cupidus namque rerum novarum per inſolentiam Lepidus, acta tanti viri reſcindere parabat, nec immerito, ſi tamen poſſet ſine magna clade Reipub. &c. Flor. 3. 27. Vid. Plutar. in Pomp. Appian. l. 1. 416. Salluſt. Fragment. Hiſt. l. 1. Val. Max. 6. 2. Pigh. Annal. A. U. 676.

As CICERO was returning from his travels towards *Rome*, full of hopes and aſpiring thoughts, his ambition was checked, as PLUTARCH tells us, by *the Delphic Oracle*: for upon conſulting APOLLO, by what means he might arrive at the heigth of glory, he was anſwered, *by making his own genius, and not the opinion of the people, the guide of his life*; upon which he carried himſelf after his return with great caution, and was very ſhy of pretending to public honors. But tho' the rule be very good, yet CICERO was certainly too wiſe, and had ſpent too much of his time with Philoſophers, to fetch it from *an Oracle*; which, according to his own account, had been in the utmoſt contempt for many ages, and was conſidered by all men of ſenſe as a mere impoſture [*x*]. But if he really went to *Delphi*, of which we have not the leaſt hint in any of his writings, we muſt impute it to the ſame motive, that draws ſo many Travellers at this day to *the Holy Houſe of Loretto*; the curioſity of ſeeing a place ſo celebrated through the world for it's ſanctity and riches. After his return however, he was ſo far from obſerving that caution which PLUTARCH ſpeaks of, that he freely and forwardly reſumed his former employment of pleading; and after one year more ſpent at the Bar, obtained in the next the dignity of *Quæſtor*.

AMONG the cauſes, which he pleaded before his Quæſtorſhip, was that of the famous Comedian ROSCIUS; whom a ſingular merit in his art had recommended to the familiarity and friendſhip *of the greateſt men in Rome* [*y*]. The cauſe was this; one FANNIUS *had made over to* ROSCIUS

[*x*] Pyrrhi temporibus jam Apollo verſus facere deſierat—cur iſto modo jam oracula non eduntur, non modo noſtra ætate, ſed jam diu ut modo nihil poſſit eſſe contemptius?—Quomodo autem iſta vis evanuit? an poſtquam homines minus creduli eſſe cœperunt? De Div. 2. 56, 57.

[*y*] Nec vulgi tantum favorem, verum etiam principum familiaritates amplexus eſt. Val. Max. 8. 7.

ROSCIUS *a young ſlave, to be formed by him to the ſtage; on condition of a partnerſhip in the profits, which the ſlave ſhould acquire by acting: the ſlave was afterwards killed; and* ROSCIUS *proſecuted the Murtherer for damages; and obtained, by a compoſition, a little farm, worth about eight hundred pounds, for his particular ſhare:* FANNIUS *alſo ſued ſeparately, and was ſuppoſed to have gained as much, but pretending to have recovered nothing, ſued* ROSCIUS *for the moiety of what he had received.* One cannot but obſerve from CICERO's pleading the wonderfull eſteem and reputation, in which ROSCIUS then floriſhed; of whom he draws a very amiable picture.—*Has* ROSCIUS *then, ſays* he, *defrauded his partner? Can ſuch a ſtain ſtick upon ſuch a man? who, I ſpeak it with confidence, has more integrity than ſkill; more veracity than experience: whom the people of Rome know to be a better man, than he is an Actor; and while he makes the firſt figure on the ſtage for his art, is worthy of the Senate for his virtue* [z]. In another place he ſays of him, *that he was ſuch an artiſt, as to ſeem the onely one, fit to come upon the ſtage; yet ſuch a man, as to ſeem the onely one unfit, to come upon it at all* [a]: *and that his action was ſo perfect and admirable, that when a man excelled in any other profeſſion, it was grown into a proverb, to call him a* ROSCIUS [b]. His *dayly pay* for acting is ſaid to have been about thirty pounds *ſterling* [c]. PLINY computes his yearly profit at four thouſand pounds [d]; but CICERO ſeems to rate it at five thouſand. He was generous, benevolent, and a contemner of

[z] Quem pop. Rom. meliorem virum, quam hiſtrionem eſſe arbitratur; qui ita digniſſimus eſt Scena, propter artificium, ut digniſſimus ſit Curia, propter abſtinentiam. Pr. Q. Roſc. 6.

[a] Pro Quinct. 25.

[b] Ut in quo quiſque artificio excelleret, is in ſuo genere Roſcius diceretur. De Orat. 1. 28.

[c] Ut mercedem diurnam de publico mille denarios ſolus acceperit. Macrob. Saturn. 2. 10.

[d] H S. quingenta annua meritaſſe prodatur. Plin. Hiſt. Nat. 7. 39.

of money; and after he had raiſed an ample fortune from the ſtage, gave his pains to the public for many years with out any pay: when CICERO urges it as incredible, *that he, who in ten years paſt might honeſtly have gained fifty thouſand pounds, which he refuſed, ſhould be tempted to commit a fraud for the paultry ſumm of four hundred* [e].

AT the time of CICERO's return from *Greece*, there reigned in the Forum two Orators of noble birth and great authority. COTTA and HORTENSIUS; whoſe glory inflamed him with an emulation of their virtues. COTTA's *way of ſpeaking was calm and eaſy; flowing with great elegance and propriety of diction:* HORTENSIUS's *ſprightly, elevated, and warming both by his words and action; who being the nearer to him in age, about eight years older, and excelling in his own taſt and manner, was conſidered by him more particularly as his pattern, or competitor rather in glory* [f]. The buſineſs of pleading, tho' a profeſſion of all others the moſt laborious, yet was not mercenary, or undertaken for any pay; for it was illegal to take money, or to accept even a preſent for it: but the richeſt, the greateſt, and the nobleſt of *Rome* freely offered their talents to the ſervice of their citizens, as the common Guardians and Protectors of the innocent and diſtreſſed [g]. This was a conſtitution as old as ROMULUS; who aſſigned the patronage of the people to the Patricians or Senators, without fee or reward: but in ſucceeding ages, when, thro' the avarice of the Nobles, it was become a cuſtom for all Clients to make annual preſents to their

[e] Decem his annis proximis HS. ſexagies honeſtiſſime conſequi potuit: noluit. Pro Roſcio, 8.

[f] Duo tum excellebant Oratores, qui me imitandi cupiditate incitarent, Cotta & Hortenſius, &c. Brut. 440.

[g] Diſerti igitur hominis, & facile laborantis, quodque in patriis eſt moribus, multorum cauſas & non gravate & gratuito defendentis, beneficia & patrocinia late patent. De Offic. 2. 19.

their Patrons, by which the body of the Citizens was made tributary as it were to the Senate, M. CINCIUS, a Tribun, publiſhed a law, prohibiting all Senators *to take money or gifts on any account, and eſpecially for pleading cauſes.* In the conteſt about this law, CICERO mentions a ſmart reply made by the Tribun to C. CENTO, one of the Orators who oppoſed it; for when CENTO aſked him with ſome ſcorn, *What is it, my little* CINCIUS, *that you are making all this ſtir about?* CINCIUS replied, *that you,* CAIUS, *may pay for what you uſe* [*b*]. We muſt not imagine however, that this generoſity of the Great was wholly diſintereſted, or without any expectation of fruit; for it brought the nobleſt, which a liberal mind could receive; the fruit of praiſe and honor from the public voice of their country: it was the proper inſtrument of their ambition; and the ſure means of advancing them to the firſt dignities of the State: they gave their labors to the people; and the people repaid them with the honors and preferments, which they had the power to beſtow: this was a wiſe and happy conſtitution; where by a neceſſary connection between virtue and honor, they ſerved mutually to produce and perpetuate each other; where the reward of honors excited merit, and merit never failed to procure honors; the onely policy, which can make a nation great and proſperous.

THUS *the three Orators* juſt mentioned, according to the cuſtom and conſtitution of *Rome*, were all ſeverally employed

[*b*] Quid legem Cinciam de donis & muneribus, niſi quia vectigalis jam & ſtipendiaria plebs eſſe Senatui cœperat? [Liv. 34. 4.] Conſurgunt Patres legemque Cinciam flagitant, qua cavetur antiquitus, ne quis ob cauſam orandam pecuniam donumve accipiat. [Tacit. Annal. 11. 5.] M. Cincius, quo die legem de donis & muneribus tulit, cum C. Cento prodiiſſet, & ſatis contumelioſe, *quid fers Cinciole?* quæſiſſet; *ut emas,* inquit, *Cai, ſi uti velis.* Cic. de Orat. 2. 71.

This *Cincian law* was made in the year of *Rome* 549; and recommended to the people, as *Cicero* tells us, by *Q. Fabius Maximus,* in the extremity of his age. De Senect. 4. Vid. Pigh. Annal. tom. 2. p. 218.

employed this ſummer in ſuing for the different Offices, to which their different age and rank gave them a right to pretend; COTTA *for the Conſulſhip*; HORTENSIUS *the Ædileſhip*; CICERO *the Quæſtorſhip*; in which they all ſucceeded: and CICERO eſpecially had the honor to be choſen *the firſt of all his competitors, by the unanimous ſuffrage of the Tribes; and in the firſt year, in which he was capable of it by law, the thirty firſt of his age* [*i*].

THE *Quæſtors* were the general Receivers or Treaſurers of the Republic; whoſe number had been gradually enlarged with the bounds and revenues of the Empire, from *two to twenty*; as it now ſtood from the laſt regulation of SYLLA. They were ſent annually into the ſeveral Provinces, one with every *Proconſul* or *Governor*; to whom they were the next in authority; and had the proper equipage of Magiſtrates, *the Lictors carrying the Faſces before them*; which was not however allowed to them at *Rome*. Beſides the care of the revenues, it was their buſineſs alſo, to provide corn and all ſorts of grain for the uſe of the armies abroad, and the public conſumption at home.

THIS was the firſt ſtep in the legal aſcent and gradation of public honors, which gave an immediate right to the Senate; and, after the expiration of the office, an actual admiſſion into it during life: and tho' ſtrictly ſpeaking none were held to be complete Senators, till they were enrolled at the next Luſtrum *in the liſt of the Cenſors*, yet that was onely a matter of form, and what could not be denied to them, unleſs for the charge and notoriety of ſome crime, for which every other Senator was equally liable to be degraded. Theſe *Quæſtors* therefore, choſen

[*i*] Me cum Quæſtorem in primis—cunctis ſuffragiis populus Romanus faciebat. In Piſ. 1. Brut. 440.

annually by the people, were the regular and ordinary ſupply of the vacancies of the Senate, which conſiſted at this time of about five hundred: by which excellent inſtitution *the way to the higheſt Order of the State was laid open to the virtue and induſtry of every private citizen*; and the dignity of this Soverein Council maintained by a ſucceſſion of members, whoſe diſtinguiſhed merit had firſt recommended them to the notice and favor of their Country [*k*].

THE Conſuls of this year were CN. OCTAVIUS and C. SCRIBONIUS CURIO; the firſt CICERO's particular friend; a perſon of ſingular humanity and benevolence, but cruelly afflicted with the gout; whom CICERO therefore urges as an example againſt *the Epicureans, to ſhew, that a life ſupported by innocence could not be made miſerable by pain* [*l*]. The ſecond was a profeſſed *Orator*, or *Pleader at the Bar*; where he ſuſtained ſome credit, without any other accompliſhment of art or nature, than *a certain purity and ſplendor of language*, derived from the inſtitution of a Father, who was eſteemed for his eloquence: his action was vehement, with ſo abſurd a manner

[*k*] Quæſtura, primus gradus honoris—[in Verr. Act. 1. 4.] Populum Romanum, cujus honoribus in ampliſſimo concilio, & in altiſſimo gradu dignitatis, atque in hac omnium terrarum arce collocati ſumus. [Poſt red. ad Sen. 1.] Ita Magiſtratus annuos creaverunt, ut concilium Senatus Reip. proponerent ſempiternum; deligerentur autem in id concilium ab univerſo populo, adituſque in illum ſummum ordinem omnium civium induſtriæ ac virtuti pateret. Pro Sext. 65.

This account of the manner of filling up the Senate is confirmed by many other paſſages of *Cicero*'s works: for example; when *Cicero* was elected *Ædile*, the next ſuperior Magiſtrate to the *Quæſtor*, and before his entrance into that Office, he took a journey into *Sicily* to collect evidence againſt *Verres*; in the account of which voyage he ſays, *that he went at his own charges, tho' a Senator, into that Province, where he had before been Quæſtor*. [In Verr. I. 1. 6.] Again; when the Government of *Cilicia* was allotted to him, he begged of young *Curio*, as he did of all his friends in the Senate, not to ſuffer it to be prolonged to him beyond the year. In his abſence, *Curio*, who before had been onely *Quæſtor*, was elected *Tribun*; upon which *Cicero*, in a congratulatory Letter to him on that promotion, taking occaſion to renew his former requeſt, ſays, *that he aſked it of him before, as of a Senator of the nobleſt birth, and a youth of the greateſt intereſt; but now of a Tribun of the people, who had the power to grant him what he aſked.* Ep. fam. 2. 7.

[*l*] De Finib. 2. 28.

ner of *waving his body from one ſide to the other*, as to give occaſion to a jeſt upon him, *that he had learnt to ſpeak in a boat*. They were both of them however good Magiſtrates; ſuch as the preſent ſtate of the Republic required; firm to the intereſts of the Senate, and the late eſtabliſhment made by SYLLA; which the Tribuns were laboring by all their arts to overthrow. Theſe Conſuls therefore were called before the people by SICINIUS, a bold and factious Tribun, to declare their opinion about *the revocation of* SYLLA's *acts*, *and the reſtoration of the Tribunician power*; which was now the onely queſtion that engaged the zeal and attention of the City: CURIO ſpoke much againſt it with his uſual vehemence and agitation of body; while OCTAVIUS ſat by cripled with the gout, and *wrapped up in plaiſters and ointments*: when CURIO had done, the Tribun, a man of a humorous wit, told OCTAVIUS, *that he could never make amends to his Collegue for the ſervice of that day; for if he had not taken ſuch pains to beat away the flies, they would certainly have devoured him* [*m*]. But while SICINIUS was purſuing his ſeditious practices, and uſing all endeavours to excite the people to ſome violence againſt the Senate, he was killed by the management of CURIO, in a tumult of his own raiſing [*n*].

WE have no account of the preciſe time of CICERO's *marriage*; which was celebrated moſt probably in the end of the preceding year, immediately after his return to *Rome*, when he was about thirty years old: it cannot

[*m*] Curio copia nonnulla verborum, nullo alio bono, tenuit Oratorum locum. [Brut. 350. it. 323.] Motus erat is, quem C. Julius in perpetuum notavit, cum ex eo, in utramque partem toto corpore vacillante, quæſivit, quis loqueretur e lintre——Nunquam, inquit, Octavi, Collegæ tuo gratiam referes; qui niſi ſe ſuo more jactaviſſet, hodie te iſtic muſcæ comediſſent. Ibid. 324.

[*n*] Vid. Salluſt. Fragm. Hiſt. l. 3. Orat. Macri. Pigh. Ann. 677.

be placed later, becauſe his daughter was married the year before his Conſulſhip, *at the age onely of thirteen*; tho' we ſuppoſe her to be born this year *on the fifth of Auguſt*, which is mentioned to be *her birth-day* [o]. Nor is there any thing certain delivered of the family and condition of his wife TERENTIA; yet from her name, her great fortune, and *her ſiſter* FABIA's *being one of the Veſtal Virgins* [p], we may conclude, that ſhe was nobly deſcended. This year therefore was particularly fortunate to him; as it brought an increaſe not onely of iſſue, but of dignity into his family, by raiſing it from *the Equeſtrian to the Senatorian rank*; and by this early taſt of popular favor gave him a ſure preſage of his future advancement to the ſuperior honors of the Republic.

[o] Nonis Sextil. ad Att. 4. 1.

[p] Aſcon. Orat. in Tog. cand.





SECT. II.

THE Provinces of the Quæſtors being diſtributed to them always by lot, the Iſland of *Sicily* happened to fall to CICERO's ſhare [*a*]. This was the firſt country, which, after the reduction of *Italy*, became a prey to the power of *Rome* [*b*]; and was then thought conſiderable enough to be divided into two Provinces, of *Lilybeum* and *Syracuſe*; the former of which was allotted to CICERO: for tho' they were both united at this time under one Prætor or ſupreme Governor, S. PEDUCÆUS, yet they continued ſtill to have each of them a diſtinct Quæſtor [*c*]. He received this Office,

[*a*] Me Queſtorem Sicilienſis excepit annus. Brut. 440.

[*b*] Prima omnium, id quod ornamentum Imperii eſt, provincia eſt appellata. In Verr. l. 3. 1.

[*c*] Quæſtores utriuſque Provinciæ, qui iſto Prætore fuerunt. Ib. 4.

Office, not as a gift, but a truſt; *and conſidered it*, he ſays, *as a public Theater, in which the eyes of the world were turned upon him*; and that he might act his part with the greater credit, reſolved to devote his whole attention to it; and to deny himſelf every pleaſure, every gratification of his appetites, even the moſt innocent and natural, which could obſtruct the laudable diſcharge of it [*d*].

SICILY was uſually called *the Granary of the Republic* [*e*]; and the Quæſtor's chief employment in it was, to ſupply corn and proviſions for the uſe of the City: but there happening to be a peculiar ſcarcity this year at *Rome*, it made the people very clamorous, and gave the Tribuns an opportunity of inflaming them the more eaſily, by charging it *to the loſs of the Tribunician power*, and their being left a prey by that means to the oppreſſions of the great [*f*]. It was neceſſary therefore to the public quiet, to ſend out large and ſpeedy ſupplies from *Sicily*, by which the Iſland was like to be drained; ſo that CICERO had a difficult taſk to furniſh what was ſufficient for the demands of the City, without being grievous at the ſame time to the poor natives: yet he managed the matter with ſo much prudence and addreſs, that he made *very great expectations*, without any burthen upon the Province; ſhewing great courteſy all the while to the dealers, juſtice to the merchants, generoſity to the inhabitants, humanity to the allies; and in ſhort, doing all manner of good offices to every body; by which he gained

[*d*] Ita Quæſtor ſum factus, ut mihi honorem illum non ſolum datum, ſed etiam creditum, ut me Quæſturamq; meam quaſi in aliquo terrarum orbis theatro verſari exiſtimarem; ut omnia ſemper, quæ jucunda videntur eſſe, non modo his extraordinariis cupiditatibus, ſed etiam ipſi naturæ ac neceſſitati denegarem. In Verr. l. 5. 14.

[*e*] Ille *M. Cato* ſapiens, cellam penariam Reipublicæ, nutricem plebis Romanæ Siciliam nominavit. In Verr. l. 2. 2.

[*f*] Vid. Orat. Cottæ in fragment. Salluſt.

ed the love and admiration of all the *Sicilians*; *who decreed greater honors to him at his departure, than they had ever decreed before to any of their Chief Governors* [*g*]. During his reſidence in the Country, *ſeveral young Romans of quality*, who ſerved in the army, having committed ſome great diſorder and offence againſt martial diſcipline, *ran away to Rome for fear of puniſhment*; where being ſeized by the Magiſtrates, they were ſent back *to be tried before the Prætor in Sicily*: but CICERO undertook their defence, and pleaded for them ſo well, *that he got them all acquitted* [*h*]; and by that means obliged many conſiderable families of the City.

IN the hours of leiſure from his Provincial affairs, he employed himſelf very diligently, as he uſed to do at *Rome*, in his rhetorical ſtudies; agreeably to the rule which he conſtantly inculcates, *never to let one day paſs without ſome exerciſe of that kind*: ſo that on his return from *Sicily* his oratorical talents were, according to his own judgment, *in their full perfection and maturity* [*i*]. The country itſelf, famous of old for *it's ſchool of eloquence*, might afford a particular invitation to the revival of thoſe ſtudies: *for the Sicilians*, as he tells us, *being a ſharp and litigious people, and after the expulſion of their Tyrants, having many controverſies among themſelves about property, which required much pleading, were the firſt who invented rules and taught an art of ſpeaking; of which* CORAX *and* TYSIUS *were the firſt*

[*g*] Frumenti in ſumma caritate maximum numerum miſeram: negociatoribus comis, mercatoribus juſtus, municipibus liberalis, ſociis abſtinens, omnibus eram viſus in omni officio diligentiſſimus: excogitati quidem erant a Siculis honores in me inauditi. Pr. Planc. 26.

[*h*] Plutarch's life of Cic.

[*i*] Jam videbatur illud in me, quicquid eſſet, eſſe perfectum, & habere maturitatem quandam ſuam. Brut. 440.

firſt Profeſſors: an art which, above all others, owes it's birth to liberty, and can never floriſh but in a free air [*k*].

BEFORE he left SICILY, he made the tour of the Iſland; to ſee every thing in it that was curious, and eſpecially the City of *Syracuſe*, which had always made the principal figure in it's hiſtory. Here his firſt requeſt to the Magiſtrates, who were ſhewing him the curioſities of the place, was, to let him ſee *the tomb of* ARCHIMEDES, whoſe name had done ſo much honor to it; but to his ſurprize he perceived, that they know nothing at all of the matter, and even denied that there was any ſuch tomb remaining; yet as he was aſſured of it beyond all doubt by the concurrent teſtimony of writers, and remembered the verſes inſcribed, and that there was *a Sphere with a Cylinder* engraved on ſome part of it, he would not be diſſuaded from the pains of ſearching it out. When they had carried him therefore to the gate, where the greateſt number of their old Sepulchers ſtood, he obſerved, in a ſpot overgrown with ſhrubs and briars, a ſmall Column, whoſe head juſt appeared above the buſhes, *with the figure of a Sphere and Cylinder upon it: this, he preſently told the company, was the thing that they were looking for; and ſending in ſome men to clear the ground of the brambles and rubbiſh, he found the inſcription alſo which he expected, tho' the latter part of all the verſes was effaced. Thus*, ſays he, *one of the nobleſt Cities of Greece, and once likewiſe the moſt learned, had known nothing of the Monument*

[*k*] Cum ſublatis in Sicilia tyrannis res privatæ longo intervallo judiciis repeterentur, tum primum, quod eſſet acuta illa gens & controverſa natura, artem & præcepta Siculos *Coracem & Tyſiam* conſcripſiſſe. Brut. 75. Hæc una res in omni libero populo, maximeque in pacatis, tranquilliſque civitatibus ſemper floruit, ſemperque dominata eſt. De Orat. 1. 8.

ment of it's moſt deſerving and ingenious Citizen, if it had not been diſcovered to them by a Native of Arpinum [*l*]. At the expiration of his year, he took leave of the *Sicilians* by a kind and affectionate ſpeech, aſſuring them of his protection in all their affairs at *Rome*; in which he was as good as his word, and continued ever after their conſtant Patron, to the great benefit and advantage of the Province.

He came away extremely pleaſed with the ſucceſs of his adminiſtration; and flattering himſelf, that *all Rome was celebrating his praiſes*; *and that the people would readily grant him every thing that he deſired*; in which imagination he landed at *Puteoli*, a conſiderable port adjoining to *Baiæ*, the chief ſeat of pleaſure in *Italy*; where there was a perpetual reſort of all the rich and the great, as well for the delights of it's ſituation, as the uſe of it's baths and hot waters. But here, as he himſelf pleaſantly tells the ſtory, he was not a little mortified by the firſt friend whom he met; *who aſked him, How long he had left Rome, and what news there? when he anſwered, That he came from the Provinces: From Afric, I ſuppoſe, ſays another: and upon his replying with ſome indignation, No; I come from Sicily: a third, who ſtood by, and had a mind to be thought wiſer, ſaid preſently, How! did you not know that* Cicero *was Quæſtor of Syracuſe?* Upon which, *perceiving it in vain to be angry, he fell into the humor of the place, and made himſelf one of the company who came to the waters.* This mortification gave ſome little check to his ambition, or taught him rather how to apply it more ſucceſsfully; and *did him more good*, he ſays,

[*l*] Tuſc. Quæſt. 5. 3.

than if he had received all the compliments, that he expected: for it made him reflect, *that the people of Rome had dull ears, but quick eyes; and that it was his buſineſs, to keep himſelf always in their ſight; nor to be ſo ſollicitous, how to make them hear of him, as to make them ſee him: ſo that from this moment, he reſolved to ſtick cloſe to the Forum, and to live perpetually in the view of the City.; nor to ſuffer either his porter or his ſleep, to hinder any man's acceſs to him* [*m*].

At his return to *Rome*, he found the Conſul, L. Lucullus, employing all his power, to repell the attempts of a *turbulent Tribun*, L. Quinctius, *who had a manner of ſpeaking peculiarly adapted to inflame the multitude*, and was perpetually exerting it, to perſuade them *to reverſe* Sylla's *acts* [*n*]. Theſe acts were odious to all who affected popularity; and eſpecially to the Tribuns; who could not brook with any patience the diminution of their ancient power; yet all prudent men were deſirous to ſupport them, as the beſt foundation of a laſting peace and firm ſettlement of the Republic. The Tribun Sicinius made the firſt attack upon them ſoon after Sylla's death, but loſt his life in the quarrel; which, inſtead of quenching, added fuel to the flame; ſo that C. Cotta, one of the next Conſuls, a man of moderate principles and obnoxious to neither party, made it his buſineſs to mitigate theſe heats, by mediating between the Senate and the Tribuns, and remitting a part of the reſtraint, that Sylla had laid upon them, ſo far, as to reſtore them to a capacity

[*m*] Pro Plancio, 26.

[*n*] Homo cum ſumma poteſtate prædítus, tum ad inflammandos animos multitudinis accommodatus. Pro Cluent. 29. Plutarch. in Lucull.

city of holding the ſuperior Magiſtracies. But a partial reſtitution could not ſatisfy them; they were as clamorous ſtill as ever; and thought it a treachery to be quiet, till they had recovered their whole rights: for which purpoſe QUINCTIUS was now imitating his predeceſſor SICINIUS, and exciting the populace to do themſelves juſtice againſt their oppreſſors; nor ſuffer their power and liberties to be extorted from them by the Nobles. But the vigor of LUCULLUS prevented him from gaining any farther advantage, or making any impreſſion this year to the diſturbance of the public peace [o].

C. VERRES, of whom we ſhall have occaſion to ſay more hereafter, was now alſo *Prætor* of the City, or the ſupreme Adminiſtrator of Juſtice; whoſe decrees were not reſtrained to the ſtrict letter of the law, but formed uſually upon the principles of common equity; which, while it gives a greater liberty of doing what is right, gives a greater latitude withal of doing wrong; and the power was never in worſe hands, or more corruptly adminiſtred than by VERRES: *for there was not a man in Italy*, ſays CICERO, *who had a law-ſuit at Rome, but knew, that the rights and properties of the Roman people were determined by the will and pleaſure of his whore* [p].

THERE was a very extraordinary Commiſſion granted this year to M. ANTONIUS, *the father of the Triumvir; the inſpection and command of all the coaſts of the Mediterranean:*

[o] Niſi forte C. Cotta, ex factione media Conſul, aliter quam metu jura quædam tribunis pleb. reſtituit; & quanquam L. Sicinius primus de poteſtate tribunicia loqui auſus, muſſitantibus vobis circumventus erat.——Lucullus ſuperiore anno quantis animis ierit in L. Quinctium, vidiſtis.——Vid. Salluſt. Hiſt. Fragment. l. 3. Orat. Macri Licinii. Plut. in Lucull.

[p] Ut nemo tam ruſticanus homo, Romam ex ullo municipio vadimonii cauſa venerit, quin ſciret jura omnia Prætoris urbani nutu atque arbitrio Chelidonis meretriculæ gubernari. In Ver. 5. 13.

terranean: a *boundleſs power*, as CICERO calls it [*q*], which gave him an opportunity of plundering the Provinces, and committing all kinds of outrage on the Allies. He invaded *Crete* without any declaration of war, on purpoſe to enſlave it, and with ſuch an aſſurance of victory, that *he carried more fetters with him than arms* [*r*]. But he met with the fate that he deſerved: for the *Cretans* totally routed him in a naval engagement, and returned triumphant into their ports, with the bodies of their enemies hanging on their maſts. ANTONIUS died ſoon after this diſgrace, infamous in his character, *nor in any reſpect a better man*, ſays ASCONIUS, *than his ſon* [*s*]. But METELLUS made the *Cretans* pay dear for their triumph, by the intire conqueſt of their country: *in which war*, as FLORUS ſays, *if the truth muſt be told, the Romans were the aggreſſors; and tho' they charged the Cretans with favoring* MITHRIDATES, *yet their real motive was, the deſire of conquering ſo noble an Iſland* [*t*].

MITHRIDATES alſo had now renewed the war againſt *Rome*, encouraged to it by the diverſion, which *Sertorius* was giving at the ſame time in *Spain*, to their beſt troops and ableſt Generals, METELLUS and POMPEY: ſo that LUCULLUS, who, on the expiration of his Conſulſhip had the Province of *Aſia* allotted to him, obtained with it of courſe the command of this war. But while their arms were thus employed in the different extremities of the Empire, an ugly diſturbance broke out at home, which, tho'

[*q*] M. Antonii infinitum illud imperium. Ib. 2. 3.

[*r*] Primus invaſit inſulam M. Antonius, cum ingenti quidem victoriæ ſpe atque fiducia, adeo ut plures catenas in navibus, quam arma portaret. Flor. 3. 7.

[*s*] Antonium, cum multa contra ſociorum ſalutem, multa contra utilitatem provinciarum & faceret & cogitaret, in mediis ejus injuriis & cupiditatibus mors oppreſſit. In Verr. 3. 91.

[*t*] Creticum bellum, ſi verum volumus noſcere, nos fecimus ſola vincendi nobilem inſulam cupipitate. Flor. ib.

tho' contemptible enough in it's origin, began in a ſhort time to ſpread terror and conſternation through all *Italy*. It took it's riſe from *a few Gladiators; ſcarce above thirty at the firſt, who broke out of their ſchool at Capua*, and having ſeized a quantity of arms, and drawn a number of ſlaves after them, poſted themſelves on *Mount Veſuvius*; here they were preſently ſurrounded *by the Prætor* CLODIUS GLABER, with a good body of regular troops; but forcing their way through them with ſword in hand they aſſaulted and took his camp, and made themſelves maſters of all *Campania*. From this ſucceſs their numbers preſently increaſed to the ſize of a juſt army, of forty thouſand fighting men: with which they made head againſt the Roman legions, and ſuſtained a vigorous war for three years in the very bowels of *Italy*; where they defeated ſeveral Commanders *of Conſular and Prætorian rank*; and, puffed up with their victories, began to talk of *attacking Rome*. But M. CRASSUS *the Prætor*, to whom the war was committed, having gathered about him all the forces which were near home, chaſtiſed their inſolence, and drove them before him to the extremity of *Rhegium*; where, for want of veſſels to make their eſcape, the greateſt part was deſtroyed, and among them their *General* SPARTACUS, fighting bravely to the laſt at the head of his deſperate troops [*u*]. This was called the *ſervile war*; for which CRASSUS *had the honor of an Ovation; it being thought beneath the dignity of the Republic, to grant a full Triumph for the conqueſt of ſlaves*: but to bring it as near as poſſible to a Triumph, CRASSUS procured a ſpecial decree of the Senate, to authorize him to wear *the laurel Crown*; which was the proper

[*u*] Vid. Flor. 3. 20.

proper ornament of the triumph, as *myrtle was of the Ovation* [x].

THE *Sertorian war* happened to be finiſhed alſo fortunately near the ſame time. The author of it, SERTORIUS, was bred under C. MARIUS, with whom he had ſerved in all his wars, with a ſingular reputation, not onely of martial virtue, but of juſtice and clemency: for tho' he was firm to the *Marian* party, he always diſliked and oppoſed their cruelty, and adviſed a more temporate uſe of their power. After the death of CINNA, he fell into SYLLA's hands, along with *the Conſul* SCIPIO, when the army abandoned them: SYLLA diſmiſſed him with life, on the account perhaps of his known moderation; yet taking him to be an utter enemy to his cauſe, he ſoon after proſcribed and drove him to the neceſſity of ſeeking his ſafety in foreign countries. After ſeveral attempts on *Afric* and the coaſts of the *Mediterranean*, he found a ſettlement in *Spain*; whither all, who fled from SYLLA's cruelty, reſorted to him; of whom he formed a Senate, which gave laws to the whole Province. Here, by his great credit and addreſs, he raiſed a force ſufficient to ſuſtain a war of eight years againſt the whole power of the Republic; and to make it a queſtion, *whether Rome or Spain ſhould poſſeſs the empire of the world.* Q. METELLUS, an old experienced Commander, was ſent againſt him ſingly at firſt; but was ſo often baffled and circumvented by his ſuperior vigor and dexterity, that the people of *Rome* were forced to ſend their favorite POMPEY to his aſſiſtance, with the beſt troops of the Empire. SERTORIUS maintained his ground againſt them both; and

[x] Plut. in Craſſ.—Craſſe, quid eſt, quod confecto formidoloſiſſimo bello, coronam illam lauream tibi tantopere decerni volueris? In Piſon. 24.

and after many engagements, *in which he generally came off equal, often ſuperior*, was baſely murthered at a private feaſt by the treachery of PERPERNA; who, being the next to him in command, was envious of his glory, and wanted to uſurp his power. PERPERNA was of noble birth, and had been *Prætor of Rome*; where he took up arms with the Conſul LEPIDUS, to reverſe the acts of SYLLA, and recall the proſcribed *Marians*; and after their defeat carried off the beſt part of their troops to the ſupport of SERTORIUS [*y*]: but inſtead of gaining what he expected from SERTORIUS's death, he ruined the cauſe, of which he had made himſelf the chief; and put an end to a war, that was wholly ſupported by the reputation of the General: for the revolted Provinces preſently ſubmitted; and the army having no confidence in their new leader, was eaſily broken and diſperſed, and PERPERNA himſelf taken priſoner.

POMPEY is celebrated on this occaſion for an act of great prudence and generoſity; for when PERPERNA, in hopes of ſaving his life, offered to make ſome important diſcoveries, and to put into his hands all SERTORIUS's papers, in which were *ſeveral letters from the principal Senators of Rome, preſſing him to bring his army into Italy, for the ſake of overturning the preſent Government, he ordered the papers to be burnt without reading them, and*

[*y*] *Sylla* & Conſulem, ut prædiximus, exarmatumque *Sertorium*, proh quanti mox belli facem! & multos alios dimiſit incolumes. Vell. Pat. 2. 25. 29.

Jam *Africæ*, jam *Balearibus inſulis* fortunam expertus, miſſuſque in oceanum—tandem Hiſpaniam armavit——Satis tanto hoſti uno Imperatore reſiſtere res Romana non potuit: additus Metello Cn. Pompeius. Hi copias viri diù, & ancipiti ſemper acie attrivere: nec tamen prius bello, quam ſuorum ſcelere, & inſidiis, extinctus eſt. Flor. 3. 22.

Illa in tantum *Sertorium* armis extulit, ut per quinquennium dijudicari non potuerit, Hiſpanis, Romaniſve in armis plus eſſet roboris, & uter populus alteri pariturus foret. Vell. Pat. 2. 90.

a *M. Perperna* & aliis conjuratis convivio interfectus eſt, octavo ducatus ſui anno? magnus dux, & adverſus duos imperatores, *Pompeium & Metellum*, ſæpe par, frequentius victor. Epit. Liv. 96. Vid. etiam Plutarch. in Sertorio & Pomp. Appian. p. 418.

and PERPERNA *to be killed without ſeeing him* [*a*]. He knew, that the beſt way of healing the diſcontents of the City, where faction was perpetually at work to diſturb the public quiet, was, to eaſe people of thoſe fears, which a conſciouſneſs of guilt would ſuggeſt, rather than puſh them to the neceſſity of ſeeking their ſecurity from a change of affairs, and the overthrow of the State [*b*]. As he returned into *Italy* at the head of his victorious army, he happened to fall in luckily with the remains of thoſe fugitives, who, after the deſtruction of SPARTACUS, had eſcaped from CRASSUS, and were making their way in a body towards the *Alps*, whom he intercepted and intirely cut off to the number of five thouſand; and in a letter upon it to the Senate, ſaid, *that* CRASSUS *indeed had defeated the Gladiators, but that He had plucked up the war by the roots* [*c*]. CICERO likewiſe, from a particular diſlike to CRASSUS, affected in his public ſpeeches to give POMPEY the honor of finiſhing this war; declaring, *that the very fame of his coming had broken the force of it, and his preſence extinguiſhed it* [*d*].

FOR this victory in *Spain* POMPEY obtained a *ſecond Triumph*, while he was ſtill onely a private Citizen, and of *the Equeſtrian rank*: but the next day he took poſſeſſion of the Conſulſhip, to which he had been elected in his abſence; and as if he had been born to command, made his firſt entry into the Senate, in the proper poſt to preſide in it. He was not yet *full thirty ſix years old*; but the Senate, by a decree, *had diſpenſed with the incapacity*

[*a*] Plutarch. in Pomp. Appian. 423.

[*b*] In tanto civium numero, magna multitudo eſt eorum, qui propter metum pœnæ peccatorum ſuorum conſcii, novos motus converſioneſque Reip. quærunt. Pro Sext. 46.

[*c*] Plut. ibid.

[*d*] Quod bellum expectatione *Pompeii* attenuatum atque imminutum eſt; adventu ſublatum & ſepultum. Pro leg. Manil. xi. it.—Qui etiam ſervitia virtute victoriaque domuiſſet. Pro Sext. 31.

city of his age and abſence; and qualified him to hold the higheſt Magiſtracy, before he was capable by law of pretending even to the loweſt, and by his authority, M. CRASSUS was elected alſo for his Collegue [*d*].

CRASSUS's father and elder brother loſt their lives in the maſſacres of MARIUS and CINNA; but he himſelf eſcaped into *Spain*, and lay there concealed till SYLLA's return to *Italy*; whither he preſently reſorted to him, in hopes to revenge the ruin of his fortunes and family on the oppoſite faction. As he was attached to SYLLA's cauſe both by intereſt and inclination, ſo he was much conſidered in it; and being extremely greedy and rapacious, made uſe of all his credit, to enrich himſelf by the plunder of the enemy, *and the purchaſe of confiſcated eſtates*; which CICERO calls his *harveſt*. By theſe methods he raiſed an immenſe wealth, computed at many millions; gathered from the ſpoils and calamities of his country. He uſed to ſay, *that no man could be reckoned rich, who was not able to maintain an army out of his own rents* [*e*]: and if the account of Antiquity be true, the number of his ſlaves was ſcarce inferior to that of a full army; which, inſtead of being a burthen, made one part of his revenue; being all trained to ſome uſefull art or profeſſion, which enabled them not onely to ſupport themſelves, but to bring a ſhare of profit to their maſter. Among the other trades in his family, he is ſaid to have had *above five hundred maſons and architects, conſtantly em-*

[*d*] Pompeius hoc quoque triumpho, adhuc Eques Romanus, ante diem quem Conſulatum iniret, curru urbem invectus eſt. Vell. Pat. 2. 30.

Quid tam ſingulare, quam ut ex S. C. legibus ſolutus, Conſul ante fieret, quam ullum alium Magiſtratum per leges capere licuiſſet? Quid tam incredibile, quam ut iterum Eques Romanus S. C. triumpharet? Pro leg. Man. 21. Vid. Plutarch. in Pomp.

[*e*] Illam Syllani temporis meſſem——Parad. 6. 2.

Multi ex te audierunt, cum diceres, neminem eſſe divitem, niſi qui exercitum alere poſſet ſuis fructibus. Ib. 1.

ployed in building or repairing the houſes of the City [*f*]. He had contracted an early envy to POMPEY, for his ſuperior credit both with SYLLA and the people; which was ſtill aggravated by POMPEY's late attempt to rob him of the honor *of ending the ſervile war*: but finding himſelf wholly unequal to his Rival in military fame, he applied himſelf to the arts of peace and eloquence; in which he obtained the character of a good ſpeaker; and by his eaſy and familiar addreſs, and a readineſs to aſſiſt all, who wanted either his protection or his money, acquired a great authority in all the public affairs; ſo that POMPEY was glad to embrace and oblige him, by taking him for his partner in the Conſulſhip.

FIVE years were now almoſt elapſed, ſince CICERO's *election to the Quæſtorſhip*; which was the *proper interval preſcribed by law*, before he could hold the next office of *Tribun* or *Ædile*; and it was neceſſary to paſs through one of theſe in his way to the ſuperior dignities: he choſe therefore to drop *the Tribunate*, as being ſtript of it's ancient power by the late ordinance of SYLLA, and began to make intereſt for the *Ædileſhip*; while HORTENSIUS at the ſame time was ſuing for *the Conſulſhip*. He had employed all this interval in a cloſe attendance on the Forum, and a perpetual courſe of pleading [*g*]; which greatly advanced his intereſt in the City; eſpecially when it was obſerved, that *he ſtrictly complied with the law, by refuſing not onely to take fees*, but *to accept even any preſents*; in which the generality of patrons were leſs ſcrupulous [*b*]. Yet all his Orations within this period are loſt; of which number were thoſe for M. TULLIUS and L. VARENUS,

[*f*] Plutarch in Craſſ.

[*g*] Cum igitur eſſem in plurimis cauſis, & in principibus patronis quinquennium fere verſatus. Brut. p. 440.

[*b*] Plutarch. Cicer.

L. VARENUS, mentioned by QUINTILIAN and PRISCIAN, as extant in their time.

SOME writers tell us, *that he improved and perfected his action by the inſtructions of* ROSCIUS *and* ÆSOPUS; *the two moſt accompliſhed Actors in that, or perhaps in any other age; the one in Comedy, the other in Tragedy* [*i*]. He had a great eſteem indeed for them both, and admired the uncommon perfection of their art: but tho' he condeſcended to treat them as friends, he would have diſdained to uſe them as maſters. He had formed himſelf upon a nobler plan; drawn his rules of action from nature and philoſophy; and his practice from the moſt perfect ſpeakers then living in the world; and declares the Theater to be an improper ſchool for the inſtitution of an Orator; as teaching *geſtures too minute and unmanly; and laboring more about the expreſſion of words, than of things* [*k*]: nay, he laughs ſometimes at HORTENSIUS for an action *too foppiſh and theatrical* [*l*]; who uſed to be rallied on that very account by the other pleaders, with the title of *the Player*; ſo that, in the cauſe of P. SYLLA, TORQUATUS, a free ſpeaker on the other ſide, called him by way of ridicule, DIONYSIA; an actreſs of thoſe times, in great requeſt for her dancing [*m*]. Yet HORTENSIUS himſelf was ſo far from borrowing his manner from the Stage, that the Stage borrowed from him; and the two celebrated Actors juſt

[*i*] Ibid.

[*k*] Quis neget opus eſſe Oratori in hoc oratorio motu, ſtatuque Roſcii geſtum?—tamen nemo ſuaſerit ſtudioſis dicendi adoleſcentibus in geſtu diſcendo hiſtrionum more elaborare. De Orat. 1. 59. Vid. Tuſc. Diſp. 4. 25.

Omnes autem hos motus ſubſequi debet geſtus; non hic, verba exprimens, ſcenicus, ſed univerſam rem & ſententiam: non demonſtratione, ſed ſignificatione declarans, laterum inflectione hac forti ac virili, non ab ſcena & hiſtrionibus. Ib. 3. 59.

[*l*] Putamus—Patronum tuum cerviculam jactaturum. In Verr. l. 3. 19.

[*m*] L. Torquatus, ſubagreſti homo ingenio & infeſtivo—non jam hiſtrionem illum diceret, ſed geſticulariam, Dionyſiamque eum notiſſimæ ſaltatriculæ nomine appellaret. Aul. Gell. 1. 5.

mentioned, Roscius and Æsopus, are ſaid to have attended all the trials, in which he pleaded, in order to perfect the action of the Theater by that of the Forum: which ſeems indeed to be the more natural method of the two; that they, who act in *feigned life*, ſhould take their pattern from *the true*; not thoſe, who *repreſent the true*, copy from that which is *feigned* [*n*]. We are told however by others, what does not ſeem wholly improbable, that Cicero uſed to divert himſelf ſometimes with Roscius, and make it an exerciſe, or trial of ſkill between them, *which could expreſs the ſame paſſion the moſt variouſly, the one by words, the other by geſtures* [*o*].

As he had now devoted himſelf to a life of buſineſs and ambition, ſo he omitted none of the uſual arts of recommending himſelf to popular favor, and facilitating his advancement to the ſuperior honors. He thought it abſurd, *that when every little Artificer knew the name and uſe of all his tools, a Stateſman ſhould neglect the knowledge of men, who were the proper inſtruments with which he was to work:* he made it his buſineſs therefore to learn *the name, the place, and the condition of every eminent Citizen; what eſtate, what friends, what neighbours he had; and could readily point out their ſeveral houſes, as he travelled through Italy* [*p*]. This knowledge, which is uſefull in all popular Governments, was peculiarly neceſſary at *Rome*; where the people having much to give, expected to be much courted; and where their high ſpirits and privileges placed them as much above the rank of

[*n*] Genus hoc totum Oratores, qui ſunt veritatis ipſius actores, reliquerunt? imitatores autem veritatis, hiſtriones, occupaverunt. —At ſine dubio in omni re vincit imitationem veritas. De Orat. 3. 56.

[*o*] Satis conſtat, contendere eum cum ipſo hiſtrione ſolitum, utrum ille ſæpius eandem ſententiam variis geſtibus efficeret, an ipſe per eloquentiæ copiam ſermone diverſo pronunciaret. Macrob. Saturn. 2. x.

[*p*] Plutarch. in Cic.

of all other Citizens, as the grandor of the Republic exceeded that of all other States: ſo that every man, who aſpired to any public dignity, kept *a ſlave or two* in his family, whoſe ſole buſineſs it was, *to learn the names, and to know the perſons of every Citizen at ſight, ſo as to be able to whiſper them to his Maſter, as he paſſed through the ſtreets*; that he might be ready *to ſalute them all familiarly, and ſhake hands with them, as his particular acquaintance* [q].

PLUTARCH ſays, *that the uſe of theſe Nomenclators was contrary to the laws; and that* CATO *for that reaſon, in ſuing for the public offices, would not employ any of them, but took all that trouble upon himſelf* [r]. But that notion is fully confuted by CICERO; who, in his Oration for MURENA, rallies the abſurd rigor of CATO's *ſtoical* principles, and their inconſiſtency with common life, from the very circumſtance of his having a *Nomenclator*——

"What do you mean, ſays he, by keeping a *Nomen-*
"*clator?* The thing itſelf is a mere cheat: for if it be
"your duty to call the Citizens by their names, it is a
"ſhame for your ſlave, to know them better than your-
"ſelf.—Why do you not ſpeak to them before he has
"whiſpered you? Or, after he has whiſpered, why do
"you ſalute them, as if you knew them yourſelf? Or,
"when you have gained your election, why do you
"grow careleſs about ſaluting them at all? All this, if
"examined by the rules of ſocial life, is right; but if by
"the precepts of your Philoſophy, very wicked [s]." As for

[q] Vid. de petitione Conſulat. xi.

Mercemur ſervum, qui dictet nomina: lævum
Qui fodiat latus, & cogat trans pondera dextram
Porrigere. Hic multum in Fabia valet. ille Velina:
Cuilibet hic faſces dabit, &c.
Hor. Epiſt. 1. 6.

[r] Plutarch. in Cato.
[s] Pro Murena, 36.

for CICERO himſelf, whatever gains he is ſaid to have taken in this way, it appears from ſeveral paſſages in his letters, that he conſtantly had *a Nomenclator at his elbow* on all public occaſions [*t*].

HE was now in *his thirty ſeventh year*, the proper age for holding the *Ædileſhip*; which was the firſt public preferment that was properly called *a Magiſtracy*; the *Quæſtorſhip* being an office onely or place of truſt, without any juriſdiction in the City, as the *Ædiles* had [*u*]. Theſe *Ædiles*, as well as all the inferior officers, were choſen by the people *voting in their Tribes*; a manner of electing, of all the moſt free and popular: in which CICERO was declared *Ædile*, as he was before elected *Quæſtor*, *by the unanimous ſuffrage of all the tribes, and preferably to all his competitors* [*w*].

THERE were originally but *two Ædiles*, choſen from the body of the people, on pretence of eaſing the Tribuns of a ſhare of their trouble: whoſe chief duty, from which the name itſelf was derived, was to take care *of the Ædifices of the City*; *and to inſpect the markets, weights, and meaſures*; *and regulate the ſhews and games, which were publicly exhibited on the feſtivals of their Gods* [*x*]. The Senate afterwards, taking an opportunity when the people were in good humor, prevailed to have *two more* created from their order and of ſuperior rank; called *Curule Ædiles*, from *the arm-chair of Ivory*, in which they ſat

[*t*] Ut nemo nullius ordinis homo nomenclatori notus fuerit, qui mihi obviam non venerit. Ad Att. 4. 1.

[*u*] This will explain what *Cicero* ſays above of POMPEY's *entring upon the Conſulſhip, at an age, when he was incapable even of the loweſt Magiſtracy*——But tho' ſtrictly ſpeaking, the Ædileſhip was the firſt, which was called a *Magiſtracy*; yet *Cicero* himſelf, and all the old writers, give the ſame title alſo to the *Tribunate*, and even the *Quæſtorſhip*.

[*w*] Me cum Quæſtorem in primis, Ædilem priorem—cunctis ſuffragiis populus Romanus faciebat. In Piſon. 1.

[*x*] Dionyſ. Hal. l. 6. 411.

ſat [x]: But the Tribuns preſently repented of their conceſſion, and forced the Senate to conſent, that *theſe new Ædiles ſhould be choſen indifferently from the Patrician or Plebeian families* [y]. But whatever difference there might be at firſt between the *Curule and Plebeian Ædiles*, their province and authority ſeem in later times to be the ſame, without any diſtinction, but what was nominal; and the two, who were choſen the firſt, were probably called *the Curule Ædiles*, as we find CICERO to be now ſtiled. This Magiſtracy gave *a precedence in the Senate, or a priority of voting and ſpeaking, next after the Conſuls and Prætors*; and was the firſt that qualified a man to have *a picture or ſtatue of himſelf*; and conſequently ennobled his family [z]: for it was from *the number of theſe ſtatues of anceſtors, who had born Curule offices, that the families of Rome were eſteemed the more or leſs noble.*

AFTER CICERO's election to the *Ædileſhip*, but before his entrance into the office, he undertook the famous proſecution of C. VERRES, the late *Prætor of Sicily*; charged with many flagrant acts of injuſtice, rapine, and cruelty, during his triennial government of that Iſland. And ſince this was one of the memorable tranſactions of his life, and for which he is greatly celebrated by Antiquity, it will be neceſſary to give a diſtinct and particular relation of it.

THE public adminiſtration was at this time, in every branch of it, moſt infamouſly corrupt: the great, exhauſted

[x] ———dabit, eripietque curule
Cui volet importunus ebur——
Hor. Ep. 1. 6.

Signa quoque in ſella noſſem formata curuli,
Et totum Numidæ ſculptile dentis opus.
Ovid. de Pont. 4. 9.

[y] Liv. l. 6. ad fin.

[z] Antiquiorem in ſenatu ſententiæ dicendæ locum—jus imaginis ad memoriam, poſteritatemque prodendam. In Verr. 5. 14.

hauſted by their luxury and vices, made no other uſe of their governments, than to enrich themſelves by the ſpoils of the foreign Provinces: their buſineſs was, to extort money abroad, that they might purchaſe offices at home; and to plunder the allies, in order to corrupt the Citizens. The oppreſſed in the mean while found it in vain to ſeek relief at *Rome*; where there was none, who cared either to impeach, or to condemn a noble criminal; the deciſion of all trials being in the hands of men of the ſame condition, who were uſually involved in the ſame crimes, and openly proſtituted their judgment on theſe occaſions for favor or a bribe. This had raiſed a general diſcontent through the Empire, with a particular diſguſt to that change made by SYLLA, of *transferring the right of judicature from the Equeſtrian to the Senatorian order*, which the people were now impatient to get reverſed: the proſecution therefore of VERRES was both ſeaſonable and popular; as it was likely, to give ſome check to the oppreſſions of the nobility, as well as comfort and relief to the diſtreſſed ſubjects.

ALL the cities of *Sicily* concurred in the impeachment, excepting *Syracuſe* and *Meſſana*: for theſe two being the moſt conſiderable of the Province, VERRES had taken care to keep up a fair correſpondence with them. *Syracuſe* was the place of his reſidence, and *Meſſana* the repoſitory of his plunder, whence he exported it all to *Italy*: and tho' he would treat even theſe on certain occaſions very arbitrarily, yet in ſome flagrant inſtances of his rapine, that he might eaſe himſelf of a part of the envy, he uſed to oblige them with a ſhare of the ſpoil [*a*]: ſo

[*a*] Ergo, inquiet aliquis, donavit populo Syracuſano iſtam hereditatem, &c. In Verr. 2. 18. Meſſana tuorum adjutrix ſcelerum, libidinum teſtis, prædarum ac furtorum receptrix, &c. In Verr. 3. 8. it. 11.

ſo that partly by fear, and partly by favor, he held them generally at his devotion; and at the expiration of his government procured ample teſtimonials from them both in praiſe of his adminiſtration. All the other Towns were zealous and active in the proſecution, and by a common petition to CICERO implored him to undertake the management of it; to which he conſented, out of regard to the relation, which he had born to them as *Quæſtor*, and to his promiſe made at parting, of his protection in all their affairs. VERRES, on the other hand, was ſupported by the moſt powerfull families of *Rome*, the SCIPIO's and the METELLI; and defended by HORTENSIUS, who was the reigning Orator at the Bar, and uſually ſtiled *the King of the Forum* [*b*]: yet the difficulty of the cauſe, inſtead of diſcouraging, did but animate CICERO the more, by the greater glory of the victory.

HE had no ſooner agreed to undertake it, than an unexpected rival ſtarted up, one Q. CÆCILIUS, a Sicilian by birth, who had been *Quæſtor* to VERRE's; and by a pretence of perſonal injuries received from him, and a particular knowledge of his crimes, claimed a preference to CICERO in the taſk of accuſing him, or at leaſt to bear a joint ſhare in it. But this pretended enemy was in reality a ſecret friend; employed by VERRES himſelf to get the cauſe into his hands, in order to betray it, his pretenſions however were to be previouſly decided by a kind of proceſs called *Divination*, on account of it's being wholly conjectural; in which the Judges, without the help of witneſſes, were *to divine*, as it were, what was fit to be done: but in the firſt hearing CICERO eaſily

[*b*] In foro ob eloquentiam Rege cauſarum. Aſcon. Argum. in Divinat.

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ſhook off this weak Antagoniſt, rallying his character and pretenſions with a great deal of wit and humor, and ſhewing, " that the proper patron of ſuch a cauſe " could not be one, who offered himſelf forwardly, but " who was drawn to it unwillingly from the mere ſenſe " of his duty; one whom the proſecutors deſired, " and the criminal dreaded; one qualified by his inno- " cence, as well as experience, to ſuſtain it with credit; " and whom the cuſtom of their anceſtors pointed out " and preferred to it." In this ſpeech, after opening the reaſons why, contrary to his former practice, and the rule, which he had laid down to himſelf *of dedicating his labors to the defence of the diſtreſſed*, he now appeared as *an Accuſer*, he adds; " the Provinces are utterly un- " done; the allies and tributaries ſo miſerably oppreſſed, " that they have loſt even the hopes of redreſs, and ſeek " onely ſome comfort in their ruin: thoſe, who would " have the trials remain in the hands of the Senate, " complain, that there are no men of reputation to un- " dertake impeachments; no ſeverity in the Judges: the " people of *Rome* in the mean while, tho' laboring under " many other grievances, yet deſire nothing ſo ardently, " as the antient diſcipline and gravity of trials. For the " want of trials, the Tribunician power is called for " again; for the abuſe of trials, a new order of Judges " is demanded; for the ſcandalous behavior of Judges, " the authority of the *Cenſors*, hated before as too rigid, " is now deſired and grown popular. In this licenſe of " profligate criminals, in the dayly complaints of the " Roman people, the infamy of trials, the diſgrace of " the whole Senatorian order, as I thought it the onely " remedy to theſe miſchiefs, for men of abilities and

" integrity

" integrity to undertake the cauſe of the Republic and " the laws, ſo I was induced the more readily, out of " regard to our common ſafety, to come to the relief of " that part of the adminiſtration, which ſeemed the " moſt to ſtand in need of it [*c*].

THIS previous point being ſettled in favor of CICERO, a hundred and ten days were granted to him by law for preparing the evidence; in which he was obliged to make a voyage to *Sicily*, in order to examine witneſſes, and collect facts to ſupport the indictment. He was aware, that all VERRES's art would be employed to gain time, in hopes to tire out the Proſecutors, and allay the heat of the public reſentment: ſo that for the greater diſpatch he took along with him his couſin, L. CICERO, to eaſe him of a part of the trouble, and finiſhed his progreſs through the iſland in leſs than half the time which was allowed to him [*d*].

IN all the journeys of this kind, the Proſecutor's charges uſed to be publicly defrayed by the Province, or the Cities concerned in the impeachment: but CICERO, to ſhew his contempt of money, and diſintereſtedneſs in the cauſe, reſolved to put *the Iſland to no charge on his account*; and in all the places to which he came, *took up his quarters with his particular friends and acquaintance in a private manner, and at his own expenſe* [*e*].

THE *Sicilians* received him every where with all the honors due to his uncommon generoſity, and the pains which he was taking in their ſervice: but at *Syracuſe* he met with ſome little affronts from the influence of the

[*c*] Divinat. 3.

[*d*] Ergo Siciliam totam quinquaginta diebus ſic obii. In Verr. Act. 1. 2.

[*e*] In Siciliam ſum inquirendi cauſſa profectus, quo in negotio—ad hoſpites meos, ac neceſſarios, cauſſæ communis defenſor diverti potius, quam ad eos, qui a me conſilium petiviſſent. Nemini meus adventus labori aut ſumptui, neque publice neque privatim fuit. In Verr. l. 1. 6.

Prætor METELLUS, who employed all his power to obſtruct his inquiries, and diſcourage the people from giving him information. He was invited however by the Magiſtrates with great reſpect *into their Senate*; where after he had expoſtulated with them a little, *for the gilt Statue of* VERRES, *which ſtood there before his face, and the teſtimonial, which they had ſent to Rome in his favor*, they excuſed themſelves to him in their ſpeeches, and alledged, *that what they had been induced to do on that occaſion, was the effect of force and fear, obtained by the intrigues of a few, againſt the general inclination*; and, to convince him of their ſincerity, *delivered into his hands the authentic accounts of many robberies and injuries, which their own City had ſuffered from* VERRES *in common with the reſt of the Province.* As ſoon as CICERO retired, they declared his couſin LUCIUS, *the public gueſt and friend of the City*; *for having ſignified the ſame good will towards them, which* CICERO *himſelf had always done*; and, by a ſecond decree, revoked *the public praiſes, which they had before given to* VERRES. Here CICERO's *old Antagoniſt*, CÆCILIUS, *appealed againſt them to the Prætor*; which provoked the populace to ſuch a degree, that CICERO could hardly reſtrain them from doing him violence: the *Prætor diſmiſſed the Senate, and declared their act to be irregular*; *and would not ſuffer a copy of it to be given to* CICERO; whom he reproached at the ſame time *for betraying the dignity of Rome, by ſubmitting not onely to ſpeak in a foreign Senate, but in a foreign Language, and to talk Greek among Grecians* [*f*]. But CICERO anſwered him with ſuch

[*f*] Ait indignum facinus eſſe, quod ego in ſenatu Græca verba feciſſem: quod quidem apud Græcos Græcè locutus eſſem, id ferri nullo modo poſſe. In Verr. 4. 66. Vid. 62. 63, 64.

Valerius Maximus ſays, that the Roman Magiſtrates

ſuch ſpirit and reſolution, urging *the ſanction of the laws, and the penalty of contemning them*, that the *Prætor* was forced at laſt to let him carry away all the vouchers and records which he required [*g*].

But the City of *Meſſana* continued obſtinate to the laſt, and firm to it's engagements with VERRES: ſo that when CICERO came thither, he received no compliments from the Magiſtrates, no offer of refreſhments or quarters; but was left to ſhift for himſelf, and to be taken care of by private friends. An indignity, he ſays, which had never been offered before to a Senator of *Rome*; *whom there was not a King or City upon earth, that was not proud to invite and accommodate with a lodging.* But he mortified them for it ſeverely at the trial, and threatened to call them to an account before the Senate, as for an affront to the whole order [*h*]. After he had finiſhed his buſineſs in *Sicily*, having reaſon to apprehend ſome danger in returning home by land, not onely from the robbers, who infeſted all thoſe roads, but from the malice and contrivance of VERRES, he choſe to come back by ſea, and arrived at *Rome*, to the ſurprize of his adverſaries, *much ſooner than he was expected* [*i*], and full charged with moſt manifeſt proofs of VERRES's guilt.

ON his return he found, what he ſuſpected, a ſtrong cabal formed to prolong the affair by all the arts of delay

giſtrates were anciently ſo jealous of the honor of the Republic, that they never gave an anſwer to Foreigners but in Latin; and obliged the Greeks themſelves to ſpeak to them always by an Interpreter, not onely in *Rome*, but in *Greece* and *Aſia*; in order to inculcate a reverence for the Latin tongue through all nations. [Lib. 2. 2.] But this piece of diſcipline had long been laid aſide; and the Greek language had obtained ſuch a vogue in *Rome* itſelf, that all the great and noble were obliged not onely to learn, but ambitious every where to ſpeak it.

[*g*] Vid. in Verr. l. 4. 62, 63, 64, 65.

[*h*] Ecquæ civitas eſt——Rex denique ecquis eſt, qui Senatorem populi Romani tecto ac domo non invitet? &c. In Verr. 4. 11.

[*i*] Non ego a Vibone Veliam parvulo navigio inter fugitivorum prædonum, ac tua tela veniſſem—omnis illa mea feſtinatio fuit cum periculo capitis. In Verr. l. 2. 40. Vid. Aſcon. Argum. in Divinat.

lay, which intereſt or money could procure [*k*], with deſign to throw it off at leaſt to the next year; when HORTENSIUS and METELLUS were to be *Conſuls*, and METELLUS's brother a *Prætor*, by whoſe united authority the proſecution might eaſily be baffled: and they had already carried the matter ſo far, that there was not time enough left within the current year, to go through the cauſe in the ordinary forms. This put CICERO upon a new project, of ſhortening the method of the proceeding [*l*], ſo as to bring it to an iſſue at any rate before the preſent *Prætor* M. GLABRIO and his aſſeſſers, who were like to be equal Judges [*m*]. Inſtead therefore of ſpending any time in ſpeaking, or employing his eloquence, as uſual, in enforcing and aggravating the ſeveral articles of the charge, he reſolved to do nothing more, than *produce his witneſſes, and offer them to be interrogated*: where the novelty of the thing, and the notoriety of the guilt, which appeared at once from the very recital of the depoſitions, *ſo confounded* HORTENSIUS, *that he had nothing to ſay for his Client*; *who, deſpairing of all defence, ſubmitted, without expecting the ſentence, to a voluntary exil* [*n*].

FROM this account it appears, that *of the ſeven excellent orations*, which now remain on the ſubject of this trial, the *two firſt* onely were ſpoken; the one called *the Divination*, the other *the firſt action*; which is nothing more,

[*k*] Reperio, judices, hæc ab iſtis conſilia inita & conſtituta, ut quacunque opus eſſet ratione res ita duceretur, ut apud M. Metellum Prætorem cauſa diceretur. In Verr. Act. 1. 9.

[*l*] Cicero ſummo conſilio videtur in Verrem vel contrahere tempora dicendi maluiſſe, quam in eum annum, quo erat Q. Hortenſius Conſul futurus, incidere. Quintil. 6. 5.

[*m*] Mihi certum eſt non committere, ut in hac cauſa Prætor nobis conſiliumque mutetur. Act. 1. 18.

[*n*] Faciam hoc——ut utar teſtibus ſtatim. Ibid.—Sed tantummodo citaret teſtes—& eos Hortenſio interrogandos daret: qua arte ita eſt fatigatus Hortenſius, ut nihil, contra quod diceret, inveniret: ipſe etiam Verres, deſperato patrocinio, ſua ſponte diſcederet in exilium. Argum. Aſconii in Act. 1.

more, than a general Preface to the whole cauſe: *the other five* were publiſhed afterwards, as they were prepared and intended to be ſpoken, if VERRES had made a regular defence: for as this was the onely cauſe, in which CICERO had yet been engaged, or ever deſigned to be engaged as *an accuſer*, ſo he was willing to leave theſe orations as a ſpecimen of his abilities in that way, and *the pattern of a juſt and diligent impeachment of a great and corrupt magiſtrate* [o].

IN the firſt conteſt with CÆCILIUS he eſtimates *the damages of the Sicilians* at *above eight hundred thouſand pounds* [p]; but this was a computation at large, before he was diſtinctly informed of the facts: for after he had been in *Sicily*, and ſeen what the proofs actually amounted to, he charges them *at ſomewhat leſs than half that ſumm* [q]: and tho' the law in theſe cauſes gave *double damages*, yet no more ſeems to have been allowed in this than *the ſingle ſumm*; which gave occaſion, as PLUTARCH intimates, *to a ſuſpicion of ſome corruption, or connivence in* CICERO, *for ſuffering ſo great an abatement of the fine*: but if there was any abatement at all, it muſt needs have been made by the conſent of all parties; out of regard perhaps to VERRES's ſubmiſſion, and ſhortening the trouble of the Proſecutors: for it is certain, that ſo far from leaving any imputation of that ſort upon CICERO, it highly raiſed the reputation both of his abilities and integrity; as of one, *whom neither money can bribe, nor power terrify from proſecuting a public oppreſſor*;

[o] In ceteris orationibus defenſor futurus, accuſationis officium his libris, qui Verrinarum nomine nuncupantur, compenſare decrevit; &—in una cauſa vim hujus artis & eloquentiæ demonſtrare. Aſcon. Argum. in Lib. & in Verr.

[p] Quo nomine abs te, C. Verres, ſeſtertium millies ex lege repeto. Divin. in Cæcil. 5.

[q] Dicimus C. Verrem—quadringenties ſeſtertiûm ex Sicilia contra leges abſtuliſſe. Act. 1. 18.

oppreſſor; and *the Sicilians* ever after retained the higheſt ſenſe of his ſervices, and on all occaſions teſtified the utmoſt zeal for his perſon and intereſts.

FROM the concluſion of theſe orations we may obſerve, that CICERO's vigor in this cauſe had drawn upon him the envy and ill will of the Nobility: which was ſo far however from moving him, that in open defiance of it he declares, "that the Nobles were natural enemies to "the virtue and induſtry of all *new men*; and, as if "they were of another race and ſpecies, could never be "be reconciled or induced to favor them, by any obſer-"vance or good offices whatſoever: that for his part "therefore, like many others before him, he would pur-"ſue his own courſe, and make his way to the favor of "the people, and the honors of the ſtate, by his dili-"gence and faithfull ſervices, without regarding the "quarrels, to which he might expoſe himſelf.——That "if in this trial the judges did not anſwer the good "opinion, which he had conceived of them, he was re-"ſolved to proſecute, not onely thoſe, who were actu-"ally guilty of corruption, but thoſe too, who were privy "to it: and if any ſhould be ſo audacious, as to at-"tempt by power or artifice to influence the Bench, and "ſkreen the criminal, he would call him to anſwer for "it before the people, and ſhew himſelf more vigorous "in purſuing him, than he had been even in proſecuting "VERRES [*r*].

BUT before I diſmiſs the cauſe of VERRES, it will not be improper to add a ſhort account of ſome of his principal crimes; in order to give the reader a clearer notion of

[*r*] Proinde ſiqui ſunt, qui in hoc reo aut potentes, aut audaces, aut artifices ad corrumpendum judicium velint eſſe, ita ſint parati, ut diſceptante populo Romano mecum ſibi rem videant futuram, &c. In Verr. 5. 71.

of the uſual method of governing Provinces, and explane the grounds of thoſe frequent impeachments and public trials, which he will meet with in the ſequel of this Hiſtory: for tho' few of their Governors ever came up to the full meaſure of VERRES's iniquity, yet the greateſt part were guilty in ſome degree of every kind of oppreſſion, with which VERRES himſelf was charged. This CICERO frequently intimates in his pleading, and urges the neceſſity of condemning him, for the ſake of the example, and to prevent ſuch practiſes from growing too general to be controuled [*s*].

THE accuſation was divided into four heads, 1. *Of corruption in judging cauſes*; 2. *Of extortion in collecting the tithes and revenues of the Republic*; 3. *Of plundering the ſubjects of their ſtatues and wrought plate*, which was his peculiar taſt; 4. *Of illegal and tyrannical puniſhments*. I ſhall give a ſpecimen or two of each, from the great number that CICERO has collected, which yet, as he tells us, was but a ſmall extract from an infinitely greater, of which VERRES had been actually guilty.

THERE was not an eſtate in *Sicily*, of any conſiderable value, which had been diſpoſed of by will for twenty years paſt, where VERRES had not his emiſſaries at work to find ſome flaw in the title, or ſome omiſſion in executing the conditions of the Teſtator, as a ground of extorting money from the Heir. DIO of HALESA, a man of eminent quality, was in quiet poſſeſſion of a great inheritance, left to him by the will of a relation, who had enjoined him to erect certain Statues in the ſquare of the City, on the penalty of forfeiting the eſtate to the

[*s*] Quid igitur dicet? feciſſe alios.—Sunt quædam omnino in te ſingularia—quædam tibi cum multis communia. Ergo omittam tuos peculatus, ut ob jus dicundum pecunias acceptas——quæ forſitan alii quoque fecerint, &c. In Verr. l. 3. 88.

Erycinian VENUS. The ſtatues were erected according to the will; yet VERRES having found ſome little pretenſe for cavilling, ſuborned an obſcure *Sicilian*, one of his own Informers, to ſue for the eſtate in the name of VENUS; and when the cauſe was brought before him, forced DIO to compound with him for about *nine thouſand pounds*, and to yield to him alſo *a famous breed of mares, with all the valuable plate and furniture of his houſe* [*t*].

SOPATER, an eminent Citizen of *Haliciæ*, had been accuſed before the late Prætor, C. SACERDOS, of a capital crime, of which he was honorably acquitted: but when VERRES ſucceded to the government, the Proſecutors renewed their charge, and brought him to a ſecond trial before their new Prætor; to which SOPATER, truſting to his innocence and the judgment of SACERDOS, readily ſubmitted without any apprehenſion of danger. After one hearing the cauſe was adjourned, when TIMARCHIDES, the freedman and principal agent of VERRES, came to SOPATER, and admoniſhed him as a friend, not to depend too much on the goodneſs of his cauſe and his former abſolution, for that his adverſaries were reſolved to offer money to the Prætor, who would rather take it for ſaving, than deſtroying a criminal, and was unwilling likewiſe to reverſe the judgement of his predeceſſor. SOPATER, ſurprized at this intimation, and not knowing what anſwer to make, promiſed to conſider of it; but declared himſelf unable to advance any large ſumm. Upon conſulting his friends, they all adviſed him to take the

[*t*] Hic eſt Dio—de quo multis primariis viris teſtibus ſatisfactum eſt, H-S undecies numeratum eſſe, ut eam cauſam, in qua ne tenuiſſima quidem ſuſpicio poſſet eſſe, iſto cognoſcente obtineret: preterea greges nobiliſſimarum equarum abactos: argenti veſtiſque ſtragulæ domi quod fuerit eſſe direptum. In Verr. l. 2. 7.

the hint, and make up the matter; ſo that in a ſecond meeting with TIMARCHIDES, after alledging his particular want of money, he compounded the affair for about *ſeven hundred pounds*, which he paid down upon the ſpot [*u*]. He now took all his trouble to be over: but after another hearing, the cauſe was ſtill adjourned; and TIMARCHIDES came again to let him know, that his accuſers had offered a much larger ſumm, than what he had given, and adviſed him, if he was wiſe, to conſider well what he had to do. But SOPATER, provoked by a proceding ſo impudent, had not the patience even to hear TIMARCHIDES, but flatly told him, *that they might do what they pleaſed, for he was determined to give no more.* All his friends were of the ſame mind, imagining, that whatever VERRES himſelf might intend to do, he would not be able to draw the other Judges into it, being all men of the firſt figure in *Syracuſe*, who had judged the ſame cauſe already with the late Prætor, and acquitted SOPATER. When the third hearing came on, VERRES ordered PETILIUS, a Roman Knight, who was one of the Bench, to go and hear a private cauſe, which was appointed for that day, and of which he was likewiſe the Judge. PETILIUS refuſed, alledging, that the reſt of his aſſeſſors would be engaged in the preſent trial. But VERRES declared, that they might all go with him too if they pleaſed, for he did not deſire to detain them; upon which they all preſently withdrew, ſome to ſit as Judges, and ſome to ſerve their friends in the other cauſe. MINUCIUS, SOPATER's advocate, ſeeing the Bench thus cleared, took it for granted that VERRES would not pro-

[*u*] Poſt ad amicos retulit. Qui cum ei fuiſſent auctores redimendæ ſalutis, ad Timarchidem venit. Expoſitis ſuis difficultatibus, hominem ad H-S LXXX perducit, eamque ei pecuniam numerat. In Verr. l. 2. 28.

cede in the trial that day, and was going out of the Court along with the reſt; when VERRES called him back, and ordered him to enter upon the defence of his Client. *Defend him!* ſays he; *before whom? Before me*, replied VERRES, *if you think me worthy to try a paultry Greek and Sicilian. I do not diſpute your worthineſs*, ſays MINUCIUS, *but wiſh onely, that your Aſſeſſors were preſent, who are ſo well acquainted with them erits of the cauſe. Begin, I tell you*, ſays VERRES, *for they cannot be preſent. No more can I*, replied MINUCIUS; *for* PETILIUS *begged of me alſo to go, and ſit with him upon the other trial.* And when VERRES with many threats required him to ſtay, he abſolutely refuſed to act, ſince the Bench was diſmiſſed, and ſo left the Court together with all the reſt of SOPATER's friends.—This ſomewhat diſcompoſed VERRES; but after he had been whiſpered ſeveral times by his Clerk TIMARCHIDES, he commanded SOPATER, to ſpeak what he had to ſay in his own defence. SOPATER implored him by all the Gods, not to procede to ſentence, till the reſt of the Judges could be preſent: but VERRES called for the witneſſes, and after he had heard one or two of them in a ſummary way, without their being interrogated by any one, put an end to the trial, and condemned the Criminal [*x*].

AMONG the various branches of VERRES's illegal gains, the ſale of offices was a conſiderable article: for there was not a Magiſtracy of any kind to be diſpoſed of, either by lot or a free vote, which he did not arbitrarily ſell to

[*x*] Tum repente iſte teſtes citari jubet. Dicit unus & alter breviter. Nihil interrogatur. Præco, dixiſſe pronuntiat. Iſte—properans de ſella exiluit: hominem innocentem, a C. Sacerdote abſolutum, indicta cauſa, de ſententia ſcribæ, medici, haruſpiciſque condemnavit. Ib. 30.

to the beſt bidder. The *Prieſthood* of JUPITER at *Syracuſe* was of all others the moſt honorable: the method of electing into it was, to chuſe three by a general vote out of three ſeveral claſſes of the Citizens, whoſe names were afterwards caſt into an urn, and the firſt of them, that was drawn out, obtained the Prieſthood. VERRES had ſold it to THEOMNASTUS, and procured him to be named in the firſt inſtance among the three; but as the remaining part was to be decided by lot, people were in great expectation to ſee how he would manage that, which was not ſo eaſily in his power. He commanded therefore in the firſt place, that THEOMNASTUS ſhould be declared Prieſt, without caſting lots; but when the *Syracuſians* remonſtrated againſt it, as contrary to their religion and the law, he called for the law, which ordered, that *as many lots ſhould be made, as there were perſons nominated, and that he, whoſe name came out the firſt, ſhould be the Prieſt.* He aſked them, *How many were nominated*; they anſwered, *Three*; *and what more then*, ſays he, *is required by the law, than that three lots ſhould be caſt, and one of them drawn out?* They anſwered, *Nothing:* upon which he preſently ordered *three lots, with* THEOMNASTUS's *name upon every one of them, to be caſt into the urn*, and ſo by drawing out any one, the election was determined in his favor [*y*].

THE tenth of the corn of all the conquered Towns in *Sicily* belonged to the Romans, as it had formerly done to their own Princes, and was always gathered in kind and ſent to *Rome:* but as this was not ſufficient for the public uſe, the Prætors had an appointment alſo of money

[*y*]] Numquid igitur oportet niſi tres ſortes conjici, unam educi? Nihil. Conjici jubet tres, in quibus omnibus ſcriptum eſſet nomen *Theomnaſti.* Fit clamor maximus—ita Jovis illud ſacerdotium ampliſſimum per hanc rationum *Theomnaſto* dat-r. Ibid. 51.

money from the treaſury, to purchaſe ſuch farther ſtores as were neceſſary for the current year. Now the manner of collecting and aſcertaining the quantity of the tithes was ſettled by an old law of King HIERO, the moſt moderate and equitable of all their ancient Tyrants: but VERRES, by a ſtrange ſort of edict, ordered, *that the owner ſhould pay whatever the Collector demanded; but if he exacted more than his due, that he ſhould be liable to a fine of eight times the value* [z]. By this Edict he throw the property, as it were, of the Iſland into the power of his officers, to whom he had farmed out the tithes; who, in virtue of the new law, ſeized into their hands the whole crop of every Town, and obliged the owners to give them whatever ſhare of it, or compoſition in money they thought fit; and if any refuſed, *they not onely plundered them of all their goods, but even tortured their perſons, till they had forced them to a compliance* [a]. By this means VERRES having gathered a ſufficient quantity of corn from the very tithes, to ſupply the full demands of *Rome, put the whole money, that he had received from the treaſury, into his own pocket* [b]; and uſed to brag, that he had got enough from this ſingle article to ſkreen him from any impeachment: and not without reaſon; ſince one of his Clerks, who had the management of this corn-money, was proved to have got *above ten thouſand pounds*, from the very fees which were allowed for collecting it [c]. The poor Huſbandmen in the mean time, having no

[z] Tota Hieronica lege—rejecta & repudiata——edictum, judices, audite præclarum: quantum decumanus edidiſſet aratorem ſibi decumæ dare oportere, ut tantum arator decumano dare cogeretur—&c. In Verr. l. 3. 10.

[a] Apronius venit, omne inſtrumentum diripuit, familiam abduxit, pecus abegit——hominem corripi & ſuſpendi juſſit in oleaſtro, &c. Ib. 23.

[b] Jam vero ab iſto omnem illam ex ærario pecuniam, quam his oportuit civitatibus pro frumento dari, lucrifactam videtis. Ib. 75, &c.

[c] Tu ex pecunia publica H-S tredecies ſcribam tuum permiſſu tuo cum abſtuliſſe fateare, reliquam tibi ullam defenſionem putas eſſe? Ib. 80.

no remedy, were forced to run away from their houſes, and deſert the tillage of the ground; ſo that from the regiſters, which were punctually kept in every Town, of all the occupiers of arable lands in the Iſland, it appeared, that during the three years government of VERRES, above *two thirds of the whole number* had intirely deſerted their farms, and left their lands uncultivated [*d*].

APRONIUS, a man of infamous life and character, was the principal farmer of the tithes: who when reproached with the cruelty of his exactions, made no ſcruple to own, that *the chief ſhare of the gain was placed to the account of the Prætor.* Theſe words were charged upon him, in the preſence of VERRES and the Magiſtrates of *Syracuſe*, by one RUBRIUS, who offered *a wager and trial upon the proof of them*; but VERRES, without ſhewing any concern or emotion at it, privately took care to huſh up the matter, and prevent the diſpute from proceding any farther [*e*].

THE ſame wager was offered a ſecond time, and in the ſame public manner, by one SCANDILIUS, who loudly demanded Judges to decide it: to which VERRES, not being able to appeaſe the clamor of the man, was forced to conſent, and named them preſently out of his own band, CORNELIUS *his Phyſician*, VOLUSIUS *his Southſayer*, and VALERIUS *his Crier*; to whom he uſually referred all diſputes, in which he had any intereſt. SCANDILIUS inſiſted, to have them named out of the Magiſtrates of *Sicily*,

[*d*] Agyrinenſis ager——ducentos quinquaginta aratores habuit primo anno Prætoræ tuæ. Quid tertio anno? Octaginta—hoc peræque in omni agro decumano reperietis. Ib. 51, 52, &c.

[*e*] Eorum omnium, qui decumani vocabantur, princeps erat Q. ille Apronius, quem videtis: de cujus improbitate ſingulari graviſſimarum legationum querimonias audiſtis. Ib. 9.

Cum palam Syracuſis, te audiente, maximo conventu, P. Rubrius Q. Apronium ſponſione laceſſivit, ni Apronius dictitaret, te ſibi in decumis eſſe ſocium, &c. Ib. 57.

Sicily, or that the matter ſhould be referred to *Rome*: but VERRES declared, *that he would not truſt a cauſe, in which his own reputation was at ſtake, to any but his own friends*; and when SCANDILIUS refuſed to produce his proofs before ſuch arbitrators, VERRES condemned him in the forfeiture of his wager, *which was forty pounds*, to APRONIUS [*f*].

C. HEIUS was the principal Citizen of *Meſſana*; where he lived very ſplendidly in the moſt magnificent houſe of the city, and uſed to receive all the Roman Magiſtrates with great hoſpitality. He had a Chapel in his houſe, built by his anceſtors, and furniſhed with certain images of the Gods, of admirable ſculpture and ineſtimable value. On one ſide ſtood *a* CUPID *of marble, made by* PRAXITELES: on the other, *a* HERCULES *of braſs, by* MYRON; with a little altar before each God, to denote the religion and ſanctity of the place. There were likewiſe two other figures of braſs of two young women, called CANEPHORÆ, with baſkets on their heads, carrying things proper for ſacrifice, after the manner of the *Athenians*, the work of POLYCLETUS. Theſe ſtatues were an ornament not onely to HEIUS, but to *Meſſana* itſelf; being known to every body at *Rome*, and conſtantly viſited by all ſtrangers, to whom HEIUS's houſe was always open. The CUPID had been borrowed by C. CDAUDIUS, for the decoration of the Forum in his Ædileſhip, and was carefully ſent back to *Meſſana*; but VERRES, while he was HEIUS's gueſt, would never ſuffer him to reſt, till

[*f*] Hic tu medicum & haruſpicem, & præconem tuum recuperatores dabis? [ib. 60.] Iſte viros optimos recuperatores dat, eundem illum medicum Cornelium, & haruſpicem Voluſianum, & Valerium præconem. Ibid. 21. it. 11. Scandilius poſtulare de conventu recuperatores. Tum iſte negat ſe de exiſtimatione ſua cuiquam, niſi ſuis, commiſſurum—cogit Scandilium quinque illa millia nummum dare atque adnumerare Apronio. Ib. 60.

till he had ſtript his Chapel of *the Gods and the Canephoræ*; and to cover the act from an appearance of robbery, forced HEIUS to enter them into his accounts, as if they had been ſold to him *for fifty pounds:* whereas at a public auction in *Rome*, as CICERO ſays, they had known *one ſingle ſtatue of braſs, of a moderate ſize, ſold a little before for a thouſand* [*g*]. VERRES had ſeen likewiſe at HEIUS's houſe *a ſuit of curious Tapeſtry*, reckoned the beſt in *Sicily*, being of the kind which was called *Attalic*, richly interwoven with gold: this he reſolved alſo to extort from HEIUS, but not till he had ſecured the ſtatues. As ſoon therefore as he left *Meſſana*, he began to urge HEIUS by letters, *to ſend him the tapeſtry to Agrigentum*, for ſome particular ſervice which he pretended; but when he had once got it into his hands, he never reſtored it [*h*]. Now *Meſſana*, as it is ſaid above, was the onely City of *Sicily* that perſevered to the laſt in the intereſt of VERRES; and at the time of the trial ſent a public teſtimonial in his praiſe by a deputation of it's eminent Citizens, of which this very HEIUS was the chief. Yet when he came to be interrogated and croſs-examined by CICERO, he frankly declared, that *tho' he was obliged to perform, what the authority of his City had impoſed upon him, yet that he had been plundered by* VERRES *of his Gods, which were left to him by his Anceſtors, and which he never would have parted with on any con-*

 ditions

[*g*] Erat apud Heium ſacrarium magna cum dignitate in ædibus, a majoribus traditum, perantiquum; in quo ſigna pulcherrima quatuor, ſummo artificio, ſumma nobilitate. &c. [In Verr. l. 4. 2.] C. Claudius, cujus Ædilitatem magnificentiſſimum ſcimus fuiſſe, uſus eſt hoc cupidine tam diu, dum forum Diis immortalibus, populoque Romano habuit ornatum.—Hæc omnia, quæ dixi, ſigna ab Heio de ſacrario Verres abſtulit, &c. ib. 3. Ita juſſiſti, opinor, ipſum in tabulas referre. [ib. 6.] In auctione ſignum æneum non magnum H-S cxx millibus venire non vidimus? Ib. 7.

[*h*] Quid? illa Attalica, tota Sicilia nominata, ab eodem Heio peripetaſmata emere oblitus es?——At quomodo abſtulit? &c. ib. 12.

ditions whatſoever; if it had been in his power to keep them [*i*].

VERRES had in his family *two brothers of Cilicia*, the one *a Painter*, the other *a Sculptor*; on whoſe judgement he chiefly relied in his choice of pictures and ſtatues, and all other pieces of art. They had been forced to fly from their country for robbing *a Temple of Apollo*, and were now employed to hunt out every thing, that was curious and valuable in *Sicily*, whether of public or private property. Theſe brothers having given VERRES notice of *a large ſilver Ewer*, belonging to PAMPHILUS of *Lilybeum*, of moſt elegant work, made by BOETHUS [*k*], VERRES immediately ſent for it, and ſeized it to his own uſe: and while PAMPHILUS was ſitting penſive at home, lamenting the loſs of his rich veſſel, the chief ornament of his ſide-board, and the pride of his feaſts, another meſſenger came running to him, with orders to bring *two ſilver cups* alſo, which he was known to have, adorned *with figures in relief*, to be ſhewn to the Prætor. PAMPHILUS, for fear of greater miſchief, took up his cups and carried them away himſelf: when he came to the Palace, VERRES happened to be aſleep, but the brothers were walking in the Hall, and waiting to receive him; who, as ſoon as they ſaw him, aſked for the cups, which he accordingly produced. They commended the work; whilſt he with a ſorrowfull face began to complain, that if they took his cups from him, he ſhould have nothing of any value left in his houſe. The brothers,

[*i*] Quid enim poterat Heius reſpondere? ——Primo dixit, ſe illum publice laudare, quod ſibi ita mandatum eſſet: deinde neque ſe illa habuiſſe venalia, neque ulla conditione, ſi utrum vellet liceret, adduci unquam potuiſſe ut venderet illa, &c. In Verr. 4. 7.

[*k*] A celebrated Carthaginian ſculptor, who left many famous works behind him. Vid. Plin Hiſt. Nat. lib. 33. 12. it. lib. 34. 8.

thers, ſeeing his concern, aſked how much he would give to preſerve them; in a word, they demanded forty crowns; he offered twenty: but while they were debating, VERRES awaked and called for the cups; which being preſently ſhewn to him, the brothers took occaſion to obſerve, *that they did not anſwer to the account, that had been given of them, and were but of paultry work, not fit to be ſeen among his plate*; to whoſe authority VERRES readily ſubmitted, and ſo PAMPHILUS ſaved his cups [*l*].

IN the City of *Tindaris* there was a celebrated Image of MERCURY, which had been reſtored to them from *Carthage* by SCIPIO, and was worſhipped by the people with ſingular devotion, and an annual Feſtival. This ſtatue VERRES reſolved to have, and commanded the chief Magiſtrate, SOPATER, to ſee it taken down and conveyed to *Meſſana*. But the people were ſo inflamed and mutinous upon it, that VERRES did not perſiſt in his demand at that time; but when he was leaving the place, renewed his orders to SOPATER, with ſevere threats, to ſee his command executed. SOPATER propoſed the matter to the Senate, who univerſally proteſted againſt it: in ſhort, VERRES returned to the Town, and inquired for the ſtatue; but was told by SOPATER, that the Senate would not ſuffer it to be taken down, and had made it capital for any one to meddle with it without their orders. *Do not tell me*, ſays VERRES, *of your Senate and your orders; if you do not preſently deliver the ſtatue, you ſhall be ſcourged to death with rods.* SOPATER with tears moved

[*l*] Cybiratæ ſunt fratres—quorum alterum fingere opinor e cera ſolitum eſſe, alterum eſſe pictorem.——canes venaticos diceres, ita odorabantur omnia & perveſtigabant. In Verr. 4. 13.

Memini Pamphilum Lilybœtanum—mihi narrare, cum iſte ab ſeſe hydriam *Boethi* manu factam, præclaro opere & grandi pondere per poteſtatem abſtuliſſet; ſe ſane triſtem & conturbatum domum revertiſſe. &c. Ib. 14.

the affair again to the Senate, and related the Prætor's threats; but in vain; they broke up in diſorder, without giving any anſwer. This was reported by SOPATER to VERRES, who was ſitting in his Tribunal: it was the midſt of winter, the weather extremely cold, and it rained very heavily; when VERRES ordered SOPATER *to be ſtripped, and carried into the market-place, and there to be tied upon an Equeſtrian ſtatue of* C. MARCELLUS, *and expoſed, naked as he was, to the rain and the cold, and ſtretched in a kind of torture upon the brazen horſe*; where he muſt neceſſarily have periſhed, if the people of the Town, out of compaſſion to him, had not forced their Senate to grant their MERCURY to VERRES [*m*].

YOUNG ANTIOCHUS, King of *Syria*, having been at *Rome*, to claim the Kingdom of *Ægypt* in right of his mother, paſſed through *Sicily* at this time on his return home, and came to *Syracuſe*; where VERRES, who knew that he had a great treaſure with him, received him with a particular civility; made him large preſents of wine, and all refreſhments for his table; and entertained him moſt magnificently at ſupper. The King, pleaſed with this compliment, invited VERRES in his turn to ſup with him; when his ſide-board was dreſſed out in a royal manner with his richeſt plate, and many veſſels of ſolid gold ſet with precious ſtones; among which there was *a large Jugg for wine, made out of one entire gemm*, with a handle of gold to it. VERRES greedily ſurveyed and admired

[*m*] Tum iſte: Quam mihi religionem narras? quam pœnam? quem ſenatum? Vivum te nòn relinquam: moriere virgis, niſi ſignum traditur——Erat hiems ſumma, tempeſtas, ut ipſum Sopatrum dicere audiſtis, perfrigida; imber maximus, cum ipſe imperat lictoribus, ut Sopatrum—præcipitem in forum dejiciant. nudumque conſtituant——cum eſſet vinctus nudus in ære, in imbri, in frigore. Neque tamen finis huic injuriæ crudelitatique fiebat, donec populus atque univerſa multitudo atrocitate rei commota ſenatum clamore coegit, ut ei ſimulacrum illud Mercurii polliceretur. Ib. 39, 40.

admired every piece; and the King rejoiced to ſee the Roman Prætor ſo well ſatisfied with his entertainment. The next morning VERRES ſent to the King, to borrow ſome of his choiceſt veſſels, and particularly the Jugg; for the ſake of ſhewing them, as he pretended, to his own workmen; all which the King, having no ſuſpicion of him, readily ſent. But beſides theſe veſſels of domeſtic uſe, the King had brought with him *a large Candleſtick*, or Branch for ſeveral lights, of ineſtimable value; all made of precious ſtones, and adorned with the richeſt jewels; which he had deſigned for *an offering to* JUPITER CAPITOLINUS; but finding the repairs of the *Capitol* not finiſhed, and no place yet ready for the reception of his offering, he reſolved to carry it back without ſhewing it to any body, that the beauty of it might be new and the more ſurprizing, when it came to be firſt ſeen in that Temple. VERRES having got intelligence of this *Candleſtick*, ſent again to the King, to beg by all means that he would favor him with a ſight of it, promiſing that he would not ſuffer any one elſe to ſee it. The King ſent it preſently by his ſervants, who after they had uncovered and ſhewn it to VERRES, expected to carry it back with them to the King; but VERRES declared, that he could not ſufficiently admire the beauty of the work, and muſt have more time to contemplate it; and obliged them therefore to go away and leave it with him. Several days paſſed, and the King heard nothing from VERRES; ſo that he thought proper to remind him by a civil meſſage of ſending back the veſſels; but VERRES ordered the ſervants to call again ſome other time. In ſhort, after a ſecond meſſage with no better ſucceſs, the King was forced to ſpeak to VERRES himſelf: upon which

which VERRES earneſtly entreated him to make him a preſent of the *Candleſtick*. The King affirmed it to be impoſſible, on the account of *his vow to* JUPITER, to which many nations were witneſſes. VERRES then began to drop ſome threats; but finding them of no more effect than his entreaties, *he commanded the King to depart inſtantly out of his Province*; declaring, *that he had received intelligence of certain Pirates, who were coming from his Kingdom to invade Sicily*. The poor King finding himſelf thus abuſed and robbed of his treaſure, went into the great ſquare of the City, and in a public aſſembly of the people, calling upon the Gods and men to bear teſtimony to the injury, made *a ſolemn dedication to* JUPITER *of the Candleſtick, which he had vowed and deſigned for the Capitol, and which* VERRES *had forcibly taken from him* [*n*].

WHEN any veſſel, richly laden, happened to arrive in the ports of *Sicily*, it was generally ſeized by his ſpies and informers, on pretence of it's coming from *Spain*, and being filled with SERTORIUS's *ſoldiers*: and when the Commanders exhibited their bills of lading, with a ſample of their goods, to prove themſelves to be fair traders, who came from different quarters of the world, ſome producing *Tyrian purple*, others *Arabian ſpices*, ſome *jewels and precious ſtones*, others *Greek wines and Aſiatic ſlaves*; the very proof, by which they hoped to ſave themſelves, was their certain ruin: VERRES declared their goods *to have been acquired by piracy*, and ſeizing the

[*n*] Rex maximo conventu Syracuſis in foro —flens, ac Deos hominesque conteſtans clamare cœpit, candelabrum factum e gemmis, quod in Capitolium miſſurus eſſet——id ſibi C. Verrem abſtuliſſe.——Id etſi antea jam mente & cogitatione ſua conſecratum eſſet, tamen tum ſe in illo conventu civium Romanorum dare, donare, dicare, conſecrare Jovi Opt. Max. &c. Ib. 28, 29.

the ſhips with their cargos to his own uſe, committed the whole crew to priſon, tho' the greateſt part of them perhaps were *Roman Citizens*. There was a famous dungeon at *Syracuſe*, called the *Latomiæ*, *of a vaſt and horrible depth, dug out of a ſolid rock, which having originally been a quarry of ſtone, was converted to a priſon by* DIONYSIUS *the Tyrant*. Here VERRES kept great numbers of *Roman Citizens* in chains, whom he had firſt injured to a degree that made it neceſſary to deſtroy them; whence few or none ever ſaw the light again, but were commonly ſtrangled by his orders [*o*].

ONE GAVIUS however, *a Roman Citizen* of the Town of *Coſa*, happened to eſcape from this dreadfull place, and run away to *Meſſana*; where fancying himſelf out of danger, and being ready to embark for *Italy*, he began to talk of the injuries which he had received, and of *going ſtreight to Rome, where* VERRES *ſhould be ſure to hear of him*. But he might as well have ſaid the words in the Prætor's Palace, as at *Meſſana*; for he was preſently ſeized and ſecured till VERRES's arrival; who coming thither ſoon after, condemned him as a ſpy of the fugitives, firſt to be ſcourged in the market-place, and then nailed to a croſs, erected for the purpoſe, on a conſpicuous part of the ſhore, and looking towards *Italy*; that the poor wretch might have the additional miſery of ſuffering that cruel death in ſight as it were of his home [*p*].

THE

[*o*] Quæcunque navis ex Aſia—venerat, ſtatim certis indicibus & cuſtodibus tenebatur: vectores omnes in Latomias conjiciebantur: onera atque merces in Prætoriam domum deferebantur—eos Sertorianos milites eſſe, atque a Dianio fugere dicebat, &c. In Verr. l. 5. 56.

Latomias Syracuſanas omnes audiſtis. Opus eſt ingens magnificum regum ac tyrannorum. Totum eſt ex ſaxo mirandam in altitudinem depreſſo——nihil tam clauſum ad exitus, nihil tam tutum ad cuſtodias, nec fieri nec cogitari poteſt. [Ib. 27.] Carcer ille, qui eſt a crudeliſſimo tyranno Dionyſio factus, quæ Latomiæ vocantur, iniſtius imperio domicilium civium Romanorum fuit. Ib. 55.

[*p*] Gavius hic, quem dico, Coſanus, cum in illo numero civium ab iſto in vincla conjectus

THE coaſts of *Sicily* being much infeſted by Pirates, it was the cuſtom of all Prætors to fit out a fleet every year, for the protection of it's trade and navigation. This fleet was provided by a contribution of the maritime Towns, each of which uſually furniſhed a ſhip, with a certain number of men and proviſions: but VERRES for a valuable conſideration ſometimes remitted the ſhip, and always diſcharged as many of the men, as were able to pay for it. A fleet however was equipped of *ſeven ſhips*; but for ſhew rather than ſervice, without their complement either of men or ſtores, and wholly unfit to act againſt an enemy; and the command of it was given by him, not to his *Quæſtor*, or to one of his Lieutenants, as it was uſual, but to CLEOMENES a *Syracuſian, whoſe wife was his miſtreſs; that he might enjoy her company the more freely at home, while the huſband was employed abroad.* For inſtead of ſpending the ſummer, as other Governors uſed to do, in a progreſs through his province, he quitted the palace of *Syracuſe*, and retired to a little Iſland adjoining to the City; to lodge *in tents*, or rich pavilions, pitched cloſe by the fountain of *Arethuſa*; where forbidding the approach of men or buſineſs to diſturb him, he paſſed two of the hot months in the company of his favorite women, and in all the delicacy of pleaſure that art and luxury could invent [*q*].

THE

jectus eſſet, & neſcio qua ratione clam e Latomiis profugiſſet——loqui Meſſanæ cœpit, & queri, ſe civem Romanum in vincla conjectum, ſibi recta iter eſſe Romam, Verri ſe præſto advenienti futurum, &c. Ib. 61.

[*q*] Erat & Nice, facie eximia, uxor Cleomenis Syracuſani——iſte autem cum vir eſſet Syracuſis, uxorem ejus parum poterat animo ſoluto ac libero tot in actâ dies ſecum habere. Itaque excogitat rem ſingularem. Naves, quibus legatus præfuerat, Cleomeni tradit. Claſſi populi Romani Cleomenem Syracuſanum præeſſe jubet. Hoc eo facit, ut non ſolum ille abeſſet a domo——Nam æſtate ſumma, quo tempore ceteri Prætores obire provinciam & concurſare conſueverunt—eo tempore ad luxuriem, libidineſque ſuas——tabernacula—carbaſeis intenta velis collocari juſſit in littore, &c. In Verr. 5. 31.

THE fleet in the mean time ſailed out of *Syracuſe* in great pomp, and ſaluted VERRES and his company, as it paſſed; when *the Roman Prætor*, ſays CICERO, *who had not been ſeen before for many days, ſhewed himſelf at laſt to the ſailors, ſtanding on the ſhore in ſlippers, with a purple cloak and veſt flowing down to his heels, and leaning on the ſhoulders of a girl, to view this formidable ſquadron* [*r*]: which inſtead of ſcouring the ſeas, ſailed no farther after ſeveral days, than into the port of *Pachynus*. Here, as they lay peaceably at anchor, they were ſurprized with an account of a number of *Pirate Frigates*, lying in another harbour very near to them: upon which *the Admiral* CLEOMENES cut his cables in a great fright, and with all the ſail that he could make, fled away towards *Pelorus*, and eſcaped to land: the reſt of the ſhips followed him as faſt as they could; but two of them, which ſailed the ſloweſt, were taken by the Pirates, and one of the Captains killed: the other Captains quitted their ſhips, as CLEOMENES had done, and got ſafe to land. The Pirates finding the ſhips deſerted, ſet fire to them all that evening, and the next day ſailed boldly into the port of *Syracuſe*, which reached into the very heart of the Town; where after they had ſatisfied their curioſity, and filled the City with a general terror, they ſailed out again at leiſure, and in good order, in a kind of triumph over VERRES and the authority of *Rome* [*s*].

[*r*] Ipſe autem, qui viſus multis diebus non eſſet, tum ſe tamen in conſpectum nautis paullisper dedit. Stetit ſoleatus Prætor populi Romani cum pallio purpureo, tunicaque talari, muliercula nixus in littore. Ib. 33.

Quintilian greatly admires this ſhort deſcription, as placing the very ſcene and fact before our eyes, and ſuggeſting ſtill much more than is expreſſed by it. [l. 8. 3.] but the conciſe elegance and expreſſive brevity, in which it's beauty conſiſts, cannot poſſibly be preſerved in a tranſlation.

[*s*] Tunc Prædonum dux Heracleo repente præter ſpem, non ſua virtute—victor, claſſem pulcherrimam populi Romani in littus expulſam & ejectam, cum primum adveſperaſceret, inflammari incendique juſſit, &c. Ib. 35, 36.

THE news of *a Roman fleet burnt*, and *Syracuſe inſulted by Pirates*, made a great noiſe through all *Sicily*. The Captains, in excuſe of themſelves, were forced to tell the truth; that their ſhips were ſcandalouſly unprovided both with men and ſtores, and in no condition to face an enemy; each of them relating how many of their ſailors had been diſcharged by VERRES's particular orders, on whom the whole blame was juſtly laid. When this came to his ears, he ſent for the Captains, and after threatening them very ſeverely for talking in that manner, forced them to declare, and to teſtify it alſo in writing, *that every one of their ſhips had it's full complement of all things neceſſary:* but finding after all, that there was no way of ſtifling the clamor, and that it would neceſſarily reach to *Rome*, he reſolved for the extenuation of his own crime to ſacrifice the poor Captains, and put them all to death, except the Admiral CLEOMENES, the moſt criminal of them all, and at his requeſt the Commander alſo of his ſhip. In conſequence of this reſolution, the four remaining Captains, after fourteen days from the action, when they ſuſpected no danger, were arreſted and clapt into irons. They were all young men, of the principal families of *Sicily*; ſome of them the onely ſons of aged parents, who came preſently in great conſternation to *Syracuſe*, to ſollicit the Prætor for their pardon. But VERRES was inexorable; and having thrown them into his dungeon, where no body was ſuffered to ſpeak with them, condemned them to loſe their heads; whilſt all the ſervice, that their unhappy parents could do for them, was to bribe the executioner to diſpatch them with one ſtroke, inſtead of more, which he brutally refuſed to do, unleſs he was paid for it, and to purchaſe

purchaſe of TIMARCHIDES the liberty of giving them burial [*t*].

IT happened however before this loſs of the fleet, that a ſingle Pirate-ſhip was taken by VERRES's Lieutenants, and brought into *Syracuſe*; which proved to be a very rich prize, and had on board a great number of handſom young fellows. There was a band of muſicians among them, whom VERRES ſent away to *Rome*, a preſent to a friend; and the reſt, who had either youth or beauty, or ſkill in any art, were diſtributed to his Clerks and dependents, to be kept for his uſe; but the few who were old and deformed, were committed to the dungeon and reſerved for puniſhment [*u*]. The Captain of theſe Pirates had long been a terror to the *Sicilians*; ſo that they were all eager to ſee his perſon, and to feed their eyes with his execution: but being rich, he found means to redeem his head, and was carefully kept out of ſight, and conveyed to ſome private cuſtody, till VERRES could make the beſt market of him. The people in the mean time grew impatient and clamorous for the death of the Pirates, whom all other Prætors uſed to execute as ſoon as taken; and knowing the number of them to be great, could not be ſatisfied with the few old and decrepit, whom VERRES willingly ſacrificed to their reſentment. He took this opportunity therefore to clear the dungeon of thoſe *Roman Citizens*, whom he had reſerved for ſuch

[*t*] *Cleomenem* & navarchos ad ſe vocari jubet; accuſat eos, quod hujuſmodi de ſe ſermones habuerint: rogat ut id facere deſiſtant, & in ſua quiſque navi dicat ſe tantum habuiſſe nautarum, quantum oportuerit—Illi ſe oſtendunt quod vellet eſſe facturos—Iſte in tabulas refert; obſignat ſignis amicorum—Iſte hominibus miſeris innocentibuſque injici catenas jubet—Veniunt Syracuſas parentes propinquique miſerorum adoleſcentium—&c. In Verr. 5. 39, 40, &c.

[*u*] Erat ea navis plena juventutis formoſiſſimæ, plena argenti facti atque ſignati, multa cum ſtragula veſte—ſiqui ſenes aut deformes erant, eos in hoſtium numero ducit: qui aliquid formæ, ætatis, artificiique habebant, abducit omnes, nonnullos ſcribis ſuis, filio, cohortique diſtribuit. Symphoniacos homines ſex cuidam amico ſuo Romam muneri miſit, &c. Ib. 25, &c.

an occaſion, and now brought out to execution as a part of the *Piratical crew*: but to prevent the imprecations and cries, which Citizens uſed to make of their being *free Romans*, and to hinder their being known alſo to any other Citizens there preſent, he produced them all with their heads and faces ſo muffled up, that they could neither be heard nor ſeen, and in that cruel manner deſtroyed great numbers of innocent men [*x*]. But to finiſh at laſt this whole ſtory of VERRES: After he had lived many years in a miſerable exil; forgotten and deſerted by all his friends, he is ſaid to have been relieved by the generoſity of CICERO [*y*]; yet was proſcribed and murthered after all by MARC ANTONY, for the ſake of *his fine ſtatues and Corinthian veſſels*, which he refuſed to part with [*z*]: happy onely, as LACTANTIUS ſays, before his death, to have ſeen the more deplorable end of his old enemy and accuſer CICERO [*a*].

BUT neither the condemnation of this criminal, nor the conceſſions already made by the Senate, were able to pacify the diſcontents of the people: they demanded ſtill, as loudly as ever, the reſtoration of *the Tribunician power*, and *the right of judicature to the Equeſtrian order*; till after various conteſts and tumults, excited annually on that account by the Tribuns, they were gratified this year in them both; in the firſt by POMPEY *the Conſul*; in the ſecond by L. COTTA *the Prætor* [*b*]. The Tribuns were ſtrenuouſly

[*x*] Archipiratam ipſum vidit nemo—— cum omnes, ut mos eſt, concurrerent, quærerent, videre cuperent, &c. [ib. 26.] Cum maximus numerus deeſſet, tum iſte in eorum locum, quos domum ſuam de piratis abduxerat, ſubſtituere cœpit cives Romanos, quos in carcerem antea conjecerat—Itaque alii cives Romani ne cognoſcerentur, capitibus obvolutis e carcere ad palum atque necem rapiebantur, &c. Ib. 28, &c. Quid de multitudine dicemus eorum, qui capitibus involutis in piratarum captivorumque numero producebantur, ut ſecuri ſerientur. Ib. 60.

[*y*] Senec. l. 6. Suaſor. 6.

[*z*] Plin. Hiſt. N. l. 34. 2.

[*a*] Lactan. 2. 4.

[*b*] Hoc conſulatu *Pompeius* Tribuniciam poteſtatem reſtituit, cujus imaginem *Sylla* ſine re reliquerat. Vell. Pat. 2. 30.

ſtrenuouſly aſſiſted in all this ſtruggle by J. CÆSAR [*c*], and as ſtrenuouſly oppoſed by all, who wiſhed well to the tranquillity of the City: for long experience had ſhewn, that they had always been, not onely the chief diſturbers of the public peace, by the abuſe of their extravagant power, but the conſtant tools of all the ambitious, who had any deſigns of advancing themſelves above the laws [*d*]: for by corrupting one or more of the Tribuns, which they were ſure to effect by paying their full price, they could either obtain from the people whatever they wanted, or obſtruct at leaſt whatever ſhould be attempted againſt them: ſo that this act was generally diſliked by the better ſort, and gave a ſuſpicion of no good intentions in POMPEY; who to remove all jealouſies againſt him on this, or any other account, voluntarily *took an oath, that on the expiration of his Conſulſhip he would accept no public command or government, but content himſelf with the condition of a private Senator* [*e*].

PLUTARCH ſpeaks of this act, *as the effect of* POMPEY'*s gratitude to the people* for the extraordinary honors which they had heaped upon him: but CICERO makes the beſt excuſe for it after POMPEY's death, which the thing itſelf would bear, by obſerving, *that a Stateſman muſt always conſider, not onely what is beſt, but what is neceſſary to the times; that* POMPEY *well knew the impatience of the people; and that they would not bear the loſs of the Tribunician power much longer; and it was the part therefore of a good Citizen, not to leave to a bad one the credit of doing, what was too popular to be withſtood* [*f*]. But whatever

[*c*] Auctores reſtituendæ Tribuniciæ poteſtatis enixiſſime juvit. Sueton. J. Cæſ. 5.

[*d*] De Legib. 3. 9.

[*e*] Qui cum Conſul laudabiliter juraſſet, ſe in nullam provinciam ex eo magiſtratu iturum. Vell. Pat. 2. 31.

[*f*] De Legib. 3. 11.

ever were POMPEY's views in the reſtitution of this power, whether he wanted the ſkill or the inclination to apply it to any bad purpoſe, it is certain, *that he had cauſe to repent of it afterwards*; when CÆSAR, who had a better head with a worſe heart, took the advantage of it to his ruin; and by *the help of the Tribuns was ſupplied both with the power and the pretext for overturning the Republic* [*g*].

As to the other diſpute, about *reſtoring the right of judging to the Knights*, it was thought the beſt way of correcting the inſolence of the Nobles; to ſubject them *to the judicature of an inferior order*, who from a natural jealouſy and envy towards them, would be ſure to puniſh their oppreſſions with proper ſeverity. It was ended however at laſt by a compromiſe, and a new law was prepared by common conſent, *to veſt this power jointly in the Senators and the Knights*; from each of which orders a certain number was to be drawn annually by lot, to ſit in judgement together with *the Prætor* upon all cauſes [*h*].

But for the more effectual cure of that general licence and corruption of morals, which had infected all orders, another remedy was alſo provided this year, *an election of Cenſors*: it ought regularly to have been made *every five years*, but had now been intermitted from the time of SYLLA *for about ſeventeen*. Theſe *Cenſors* were the *guardians of the diſcipline and manners of the City* [*i*]; and had a power to puniſh vice and immorality by ſome mark of infamy in all ranks of men, from the higheſt to the loweſt. The perſons now choſen were L. GELLIUS and CN. LENTULUS; both of them mentioned by CICERO as

[*g*] Ὅτε δὴ καὶ μάλιστα τῷ Πομπηίῳ μεμέλησε τὴν δημαρχίαν——ἀναγαγόντι αὖθις ἐπὶ τὸ ἀρχαῖον. Appian. 2. p. 455.

[*h*] Per idem tempus Cotta judicandi munus, quod C. Gracchus ereptum Senatui, ad Equites, Sylla ab illis ad Senatum tranſtulerat, æqualiter inter utrumque ordinem partitus eſt. Vell. Pat. 2. 32.

[*i*] Tu es præfectus moribus, magiſter veteris diſciplinæ ac ſeveritatis. Pro Cluen. 46.

as his particular acquaintance, and the laſt as his intimate friend [*k*]. Their authority, after ſo long an intermiſſion, was exerciſed with that ſeverity, which the libertiniſm of the times required; *for they expelled above ſixty four from the Senate for notorious immoralities*; the greateſt part *for the deteſtable practice of taking money for judging cauſes* [*l*]; and among them C. ANTONIUS, *the uncle of the Triumvir*; ſubſcribing their reaſons for it, *that he had plundered the allies, declined a trial, mortgaged his lands, and was not maſter of his eſtate* [*m*]: yet this very ANTONIUS was elected *Ædile and Prætor* ſoon after in his proper courſe, and within *ſix years* advanced *to the Conſulſhip*: which confirms what CICERO ſays of *this Cenſorian animadverſion*, that it *was become merely nominal, and had no other effect, than of putting a man to the bluſh* [*n*].

FROM the impeachment of VERRES, CICERO entered upon *the Ædileſhip*, and in one of his ſpeeches gives us a ſhort account of the duty of it: "I am now choſen "Ædile, ſays he, and am ſenſible of what is committed "to me by the Roman people: I am to exhibit with "the greateſt ſolemnity the moſt ſacred ſports to CERES, "LIBER, and LIBERA; am to appeaſe and conciliate the "mother FLORA to the people and city of *Rome* by the "celebration of the public games; am to furniſh out "thoſe ancient ſhews, the firſt which were called Ro-"man, with all poſſible dignity and religion, in honor "of

[*k*] Nam mihi—cum ambobus eſt amicitia: cum altero vero—magnus uſus & ſumma neceſſitudo. Pro Cluentio, 42.

[*l*] Quos autem duo Cenſores, clariſſimi viri furti & captarum pecuniarum nomine notaverunt; ii non modo in Senatum redierunt, ſed etiam illarum ipſarum rerum judiciis abſoluti ſunt. Ibid. Vid. Pigh. Annal. ad A. U. 683.

[*m*] Aſconius in Orat. in Tog. cand.

[*n*] Cenſoris judicium nihil ferre damnato affert præter ruborem. Itaque quod omnis ea judicatio verſatur tantummodo in nomine, animadverſio illa *ignominia* dicta eſt. Fragment. e lib. 4. de Repub. ex Nonio.

" of JUPITER, JUNO, MINERVA; am to take care alſo " of all the ſacred Ædifices, and indeed of the whole " City, &c. [o]. The people were paſſionately fond of all theſe games and diverſions; and the public allowance for them being but ſmall, according to the frugality of the old Republic, the Ædiles ſupplied the reſt at their own coſt, and were often ruined by it. For every part of the Empire was ranſacked for what was rare and curious to adorn the ſplendor of their ſhews: the *Forum*, in which they were exhibited, was uſually beautified with *porticos* built for the purpoſe, and filled with *the choiceſt ſtatues and pictures*, which *Rome* and *Italy* afforded. CICERO reproaches APPIUS *for draining Greece and the Iſlands of all their furniture of this kind for the ornament of his Ædileſhip* [p]: and VERRES is ſaid to have ſupplied his friends HORTENSIUS and METELLUS with *all the fine ſtatues*, of which he had *plundered the Provinces* [q].

SEVERAL of the greateſt men of CICERO's time had diſtinguiſhed themſelves by an extraordinary expence and magnificence in this magiſtracy; LUCULLUS, SCAURUS, LENTULUS, HORTENSIUS [r], and C. ANTONIUS; who tho' expelled ſo lately from the Senate, entertained the City this year *with ſtage-plays, whoſe ſcenes were covered with ſilver*; *in which he was followed afterwards by* MURÆNA [s]: yet J. CÆSAR outdid them all; and in the ſports exhibited *for his Father's Funeral, made the whole*

[o] In Verr. 5. 14.

[p] Omnia ſigna, tabulas, ornamentorum, quod ſuperfuit in fanis & communibus locis tota e Græcia atque Inſulis omnibus, honoris populi Rom. cauſa—deportavit. Pro Dom. ad Pont. 43.

[q] Aſconius.

[r] De Offic. 2. 16.

[s] Ego qui trinos ludos Ædilis feceram, tamen Antonii ludis commovebar. Tibi, qui caſu nullos feceras, nihil hujus iſtam ipſam, quam tu irrides, argenteam ſcenam adverſatam putas? Pro Muren. 20.

Mox, quod etiam in municipiis imitantur, C. Antonius ludos ſcena argentea fecit: item L. Murena. Plin. Hiſt. N. 33. 3.

whole furniture of the Theater of ſolid ſilver, ſo that wild beaſts were then firſt ſeen to tread on that metal [*t*]: but the exceſs of his expence was but in proportion to the exceſs of his ambition; for the reſt were onely purchaſing the Conſulſhip, he the Empire. CICERO took the middle way, and obſerved the rule, which he preſcribed afterwards to his ſon, *of an expence agreeable to his circumſtances* [*u*]; ſo as neither to hurt his character by a ſordid illiberality, nor his fortunes by a vain oſtentation of magnificence; ſince the one, by making a man odious, deprives him of the power of doing good; the other, by making him neceſſitous, puts him under the temptation of doing ill: thus MAMERCUS, *by declining the Ædileſhip through frugality, loſt the Conſulſhip* [*x*]: and CÆSAR, by his prodigality, was forced to repair his own ruin by ruining the Republic.

But CICERO's popularity was built on a more ſolid foundation, the affection of his Citizens, from a ſenſe of his merit and ſervices; yet in compliance with the cuſtom and humor of the City, *he furniſhed the three ſolemn ſhews abovementioned, to the intire ſatisfaction of the people:* an expence which he calls *little, in reſpect to the great honors which he had received from them* [*y*]. The *Sicilians*, during his *Ædileſhip*, gave him effectual proofs of their gratitude, by ſupplying him largely with all manner of proviſions, which their Iſland afforded, for the uſe of his table and the public feaſts: which he was obliged to provide in this magiſtracy: but inſtead of making any

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[*t*] Cæſar, qui poſtea Dictator fuit, primus in Ædilitate, munere patris funebri, omni apparatu arenæ argenteo uſus eſt, feraſque argenteis vaſis incedere tum primùm viſum. Ibid.

[*u*] Quare ſi poſtulatur a populo——faciendum eſt, modo pro facultatibus; nos ipſi ut fecimus. De Offic. 2. 17.

[*x*] Ibid.

[*y*] Nam pro amplitudine honorum, quos cunctis ſuffragiis adepti ſumus—ſane exiguus ſumtus Ædilitatis fuit. Ibid.

any private advantage of their liberality, *he applied the whole to the benefit of the poor*; *and by the help of this extraordinary ſupply contrived to reduce the price of victuals in the Markets* [*z*].

HORTENSIUS was one of the Conſuls of this year; which produced nothing memorable but *the dedication of the Capitol by* Q. LUTATIUS CATULUS. It had been burnt down in SYLLA's time, who undertook the care of rebuilding it, but did not live to ſee it finiſhed; which he lamented in his laſt illneſs, as *the onely thing wanting to complete his felicity* [*a*]. By his death that charge fell to CATULUS, as being Conſul at the time, who dedicated it this ſummer with great pomp and ſolemnity, and had the honor to have *his name inſcribed on the front* [*b*].

ON the occaſion of this Feſtival, he is ſaid to have introduced ſome inſtances of luxury, not known before in *Rome*, of covering the area, in which the people ſat, *with a purple veil, imitating the color of the ſky, and defending from the injuries of it*; *and of gilding the tiles* of this noble fabric, which were made of copper: for tho' the cielings of Temples had before been ſometimes *gilt*, *yet this was the firſt uſe of gold on the outſide of any building* [*c*]. Thus

[*z*] Plutarch in Cic.

[*a*] Hoc tamen felicitati ſuæ defuiſſe confeſſus eſt, quod Capitolium non dedicaviſſet. Plin. Hiſt. N. 7. 43.

Curam victor Sylla ſuſcepit, neque tamen dedicavit: hoc unum felicitati negatum. Tacit. Hiſt. 3. 72.

[*b*] The following Inſcription was found in the ruins of the *Capitol*, and is ſuppoſed by ſome to be the very original which *Catulus* put up; where it remained, as *Tacitus* ſays, *to the time of Vitellius*. Ibid.

Q. LVTATIVS Q. F.
Q. N. CATVLVS. COS.
SVBSTRVCTIONEM. ET
TABVLARIVM. EX S. C.
FACIVNDVM. CVRAV.

[*c*] Quod primus omnium invenit Q. Catulus, cum Capitolium dedicaret. Plin. 19. 1. Cum ſua ætas varie de Catulo exiſtimaverit, quod tegulas æreas Capitolii inauraſſet primus. Ib. 33. 3. Tho' *Pliny* calls *Catulus* the firſt inventor of theſe purple veils, yet *Lucretius*, who, as ſome think, died in this year, or, as others more probably, about ſixteen years after, ſpeaks of them as of common uſe in all the Theaters.

Carbaſus ut quondam magnis intenta Theatris. Lib. 6. 108.

Et vulgo faciunt id lutea, ruſſaque vela,
Et ferrugina, cum magnis intenta Theatris,
Per malos volgata, trabeſque trementia flutant. Lib. 4. 73.

J. Cæſar

Thus *the Capitol*, like all ancient ſtructures, roſe the more beautifull from it's ruins; which gave CICERO an opportunity of paying a particular compliment to CATULUS in VERRES's trial, where he was one of the Judges: for VERRES having intercepted, as it is ſaid above, the rich Candleſtick of King ANTIOCHUS, which was deſigned for *the Capitol*, CICERO, after he had charged him with it, takes occaſion to ſay, "I addreſs myſelf here to you, "CATULUS, for I am ſpeaking of your noble and beau- "tifull monument: it is your part to ſhew, not onely "the ſeverity of a judge, but the animoſity of an ac- "cuſer. Your honor is united with that of this Temple; "and, by the favor of the Senate and people of *Rome*, "your name is conſecrated with it to all poſterity: it "muſt be your care therefore that the *Capitol*, as it is "now reſtored more ſplendidly, may be furniſhed alſo "more richly than it was before; as if the fire had been "ſent on purpoſe from heaven, not to deſtroy the Tem- "ple of JUPITER, but to require from us one more "ſhining and magnificent than the former [*d*]."

IN this year CICERO is ſuppoſed to have defended FONTEIUS and CÆCINA. FONTEIUS had been *Prætor of the Narboneſe Gaul* for three years, and was afterwards accuſed by the people of the Province, and one of their Princes, INDUCIOMARUS, of *great oppreſſion and exactions* in his government, and eſpecially *of impoſing an arbitrary tax on the exportation of their wines*. There were two hearings in the cauſe, yet but one ſpeech of CICERO's remaining, and that ſo imperfect, that we can hardly form a judgement either of the merit, or the iſſue

J. Cæſar covered the whole Forum with them, and the later Emperors the Amphitheaters, in all their ſhews of Gladiators and other ſports. Dio. l. 43.

[*d*] In Verr. 4. 31.

of it. CICERO allows *the charge of the wines to be a heavy one, if true* [e]; and by his method of defenſe one would ſuſpect it to be ſo, ſince his pains are chiefly employed in exciting an averſion to the accuſers, and a compaſſion to the criminal. For, to deſtroy the credit of the witneſſes, he repreſents the whole nation "as a "drunken, impious, faithleſs people; natural enemies to "all religion; without any notion of the ſanctity of an "oath, and polluting the altars of their Gods with hu-"man ſacrifices: and what faith, what piety, ſays he, "can you imagine to be in thoſe, who think that "the Gods are to be appeaſed by cruelty and human "blood [f]?" And to raiſe at laſt the pity of the Judges, he urges in a pathetic peroration *the interceſſion and tears of* FONTEIUS's *ſiſter, one of the Veſtal virgins*, who was then preſent; oppoſing *the piety and prayers of this holy ſuppliant, to the barbarity and perjuries of the impious Gauls; and admoniſhing the Bench, of the danger and arrogance of ſlighting the ſuit of one, whoſe petitions, if the Gods ſhould reject*, they themſelves muſt all be undone, *&c.* [g].

THE cauſe of CÆCINA was about the right of ſucceſſion to a private eſtate, which depended *on a ſubtle point of law* [h], *ariſing from the interpretation of the Prætor's interdict:* it ſhews however his exact knowledge and ſkill in the civil law, and that his public character and employment gave no interruption to his uſual diligence in pleading cauſes.

AFTER the expiration of his *Ædileſhip* he loſt his Couſin, LUCIUS CICERO; the late companion of his journey

[e] Pro Fonteio 5.
[f] Ibid. 10.
[g] Ibid. 17.

[h] Tota mihi cauſa pro Cæcina, de verbis interdicti fuit: res involutas definiendo explicavimus. Orator. 29.

ney to *Sicily*; whoſe death he laments with all the marks of a tender affection, in the following letter to ATTICUS.

" YOU, who of all men know me the beſt, will eaſily " conceive, how much I have been afflicted, and what a " loſs I have ſuſtained, both in my public and domeſtic " life: for in him I had every thing, which could be " agreeable to a man, from the obliging temper and be- " havior of another. I make no doubt therefore, but " that you alſo are affected with it; not onely for the " ſhare which you bear in my grief, but for your own " loſs of a relation and a friend, accompliſhed with " every virtue; who loved you, as well from his own " inclination, as from what he uſed to hear of you from " me, *&c.* [*i*].

WHAT made his kinſman's death the more unlucky to him at this juncture, was the want of his help in making intereſt for the *Prætorſhip*, for which he now offered himſelf a candidate, after the uſual interval of *two years* [*k*], from the time of his being choſen *Ædile*: but the City was in ſuch a ferment all this ſummer, that there was like to be no election at all: the occaſion of it aroſe from the publication of ſome *new laws*, which were utterly diſliked and fiercely oppoſed by the Senate. The firſt of them was propoſed in favor of POMPEY by A. GABINIUS, one of the Tribuns; as a teſtimony of their gratitude, and the firſt fruits as it were of that power which he had reſtored to them. It was to grant him *an extraordinary commiſſion for quelling the Pirates, who infeſted the coaſts and navigation of the Mediterranean*, to the diſgrace of the Empire, and the ruin of all commerce;

[*i*] Ad Attic. 1. 5. [*k*] Ut ſi Ædilis fuiſſes, poſt biennium tuus annus eſſet. Ep. fam. 10. 25.

merce [*l*]; by which *an abſolute command was conferred upon him through all the Provinces bordering on that ſea, as far as fifty miles within land.* Theſe Pirates were grown ſo ſtrong, and ſo audacious, that they had taken *ſeveral Roman Magiſtrates and Embaſſadors priſoners; made ſome ſucceſsfull deſcents on Italy itſelf, and burnt the navy of Rome in the very port of Oſtia* [*m*]. Yet the grant of a power ſo exorbitant and unknown to the laws was ſtrenuouſly oppoſed by CATULUS, HORTENSIUS, and all the other chiefs of the Senate, as dangerous to the public liberty, nor fit to be entruſted to any ſingle perſon: they alledged, "That theſe unuſual grants were "the cauſe of all the miſery, that the Republic had ſuf-"fered from the Proſcriptions of MARIUS and SYLLA; "who, by a perpetual ſucceſſion of extraordinary com-"mands, were made too great to be controuled by the "authority of the laws; that tho' the ſame abuſe of "power was not to be apprehended from POMPEY, yet "the thing itſelf was pernicious, and contrary to the "conſtitution of *Rome*; that the equality of a Demo-"cracy required, that the public honors ſhould be ſhared "alike by all, who were worthy of them; that there "was no other way to make men worthy, and to fur-"niſh the City with a number and choice of experi-"enced commanders: and if, as it was ſaid by ſome, "there were really none at that time fit to command "but POMPEY, the true reaſon was, becauſe they would "ſuffer

[*l*] Quis navigavit, qui non ſe aut mortis aut ſervitutis periculo committeret, cum aut hieme aut referto prædonum mari navigaret? Pro leg. Manil. 11.

[*m*] Qui ad vos ab exteris nationibus venirent, querar, cum legati populi Romani redempti ſint? Mercatoribus tutum mare non fuiſſe dicam, cum duodecim ſecures in poteſtatem prædonum pervenerint?——Quid ego Oſtienſe incommodum, atque illam labem & ignominiam Reipub. querar, cum prope inſpectantibus vobis, claſſis ea, cui Conſul populi Romani præpoſitus eſſet, a prædonibus capta atque oppreſſa eſt? Ib. 12.

" ſuffer none to command but POMPEY [*n*]." All the friends of LUCULLUS were particularly active in the oppoſition; apprehending, that this new commiſſion would encroach upon his Province and command *in the Mithridatic war*; ſo that GABINIUS, to turn the popular clamor on that ſide, *got a plan of the magnificent Palace, which* LUCULLUS *was building, painted upon a banner, and carried about the ſtreets by his mob; to intimate, that he was making all that expence out of the ſpoils of the Republic* [*o*].

CATULUS, in ſpeaking to the people againſt this law, demanded of them, *If every thing muſt needs be committed to* POMPEY, *what they would do, if any accident ſhould befall him?* Upon which, as CICERO ſays, *he reaped the juſt fruit of his virtue, when they all cried out with one voice, that their dependence would then be upon him* [*p*]. POMPEY himſelf, who was naturally a *great diſſembler*, affected not onely an indifference, but a diſlike to the employment: *he begged of the people to confer it on ſome body elſe; and after all the fatigues which he had undergone in their ſervice, to give him leave to retire to the care of his domeſtic affairs, and ſpare him the trouble and odium of ſo invidious a commiſſion* [*q*]. But this ſeeming ſelf-denial gave a handle onely to his friends, to extoll his modeſty and integrity the more effectually; and ſince there had been a precedent for the law a few years before, in favor of a man much inferior both

[*n*] Dio. l. 36. p. 15.

[*o*] Tugurium ut jam videatur eſſe illa villa, quam ipſe Tribunus plebis pictam olim in concionibus explicabat, quo fortiſſimum ac ſummum civem—in invidiam vocaret. Pro Sext. 43.

[*p*] Qui cum ex vobis quæreret, ſi in uno Cn. Pompeio omnia poneretis, ſi quid eo factum eſſet, in quo ſpem eſſetis habituri?—Cepit magnum ſuæ virtutis fructum, cum omnes una prope voce, in eo ipſo vos ſpem habituros eſſe dixiſtis. Pro leg. Man. 20.

[*q*] Dio. l. 36. p. 11.

both in merit and intereſt, M. ANTONIUS [r], it was carried againſt the united authority of all the magiſtrates, but with the general inclination of the people: when *from the greateſt ſcarcity of proviſions, which had been known for a long time in Rome, the credit of* POMPEY's *name ſunk the price of them at once, as if plenty had been actually reſtored* [s]. But tho' the Senate could not hinder the law, yet they had their revenge on GABINIUS, the author of it, by preventing his being choſen one of POMPEY's *Lieutenants*, which was what he chiefly aimed at, and what POMPEY himſelf ſollicited [t]: yet POMPEY probably made him amends for it in ſome other way; ſince, as CICERO ſays, *he was ſo neceſſitous at this time, and ſo profligate, that, if he had not carried his law, he muſt have turned Pirate himſelf* [u]. POMPEY had a fleet of *five hundred ſail* allowed for this expedition, with *twenty four Lieutenants* choſen out of the Senate [x]; whom he diſtributed ſo ſkillfully through the ſeveral ſtations of the *Mediterranean*, that *in leſs than fifty days he drove the pirates out of all their lurking holes; and in four months put an end to the whole war:* for he did not *prepare for it till the end of winter, ſet out upon it in the beginning of ſpring, and finiſhed it in the middle of ſummer* [y].

A SECOND

[r] Sed idem hoc ante biennium in M. Antonii prætura decretum. Vell. Pat. 2. 31.

[s] Quò die a vobis maritimo bello præpoſitus eſt imperator, tanta repente villitas annonæ ex ſumma inopia & caritate rei frumentariæ conſecuta eſt, unius hominis ſpe & nomine, quantum vix ex ſumma ubertate agrorum diuturna pax efficere potuiſſet. Pro leg. Man. 15.

[t] Ne legaretur A. Gabinius Cn. Pompeio expetenti ac poſtulanti. Ib. 19.

[u] Niſi rogationem de piratico bello tuliſſet, profecto egeſtate ac improbitate coactus piraticam ipſe feciſſet. Poſt redit. in Senat. 5.

[x] Plutarch in Pomp.

[y] Ipſe autem, ut a Brundiſio profectus eſt, undequinquageſimo die totam ad imperium populi Romani Ciliciam adjunxit——ita tantum bellum——Cn. Pompeius extrema hieme apparavit, ineunte vere ſuſcepit, media æſtate confecit. Pro leg. Man. 12.

A SECOND law was publiſhed by L. OTHO, *for the aſſignment of diſtinct ſeats in the Theaters to the Equeſtrian order*; who uſed before to ſit promiſcuouſly with the populace: but by this law *fourteen rows of benches, next to thoſe of the Senators, were to be appropriated to their uſe*; by which *he ſecured to them*, as CICERO ſays, *both their dignity and their pleaſure* [*z*]. The Senate had obtained the ſame privilege *of ſeparate ſeats* about an hundred years before, in the Conſulſhip of SCIPIO AFRICANUS; *which highly diſguſted the people, and gave occaſion*, ſays LIVY, *as all innovations are apt to do, to much debate and cenſure: for many of the wiſer ſort condemned all ſuch diſtinctions in a free City, as dangerous to the public peace; and* SCIPIO *himſelf afterwards repented, and blamed himſelf for ſuffering it* [*a*]. OTHO's law, we may imagine, gave ſtill greater offence, as it was a greater affront to the people, to be removed yet farther from what of all things they were fondeſt of, *the ſight of plays and ſhews*; it was carried however by the authority of the Tribun, and is frequently referred to by *the Claſſic writers*, as an act very memorable, and [*b*] what made much noiſe in it's time.

C. CORNELIUS alſo, another Tribun, was puſhing forward *a third law*, of a graver kind, *to prohibit bribery in elections by the ſanction of the ſevereſt penalties*: the rigor of it highly diſpleaſed the Senate, whoſe warm op-

[*z*] L. Otho, vir fortis, meus neceſſarius, Equeſtri ordini reſtituit non ſolum dignitatem, ſed etiam voluptatem. Pro Mur. 19.

[*a*] P. Africanus ille ſuperior, ut dicitur, non ſolum a ſapientiſſimis hominibus, qui tum erant, verum etiam a ſeipſo ſæpe accuſatus eſt, quod cum Conſul eſſet—paſſus eſſet tum primum a populari conſeſſu ſenatoria ſubſellia ſeparari. Pro Cornel. 1. Fragment. ex Aſconio. [Liv. l. 34. 54.] Ea res avertit vulgi animum & favorem Scipionis vehementer quaſſavit. Val. Max. 2. 4.

[*b*] —ſedilibuſque magnus in primis Eques
Othone contempto ſedet———
Hor. Ep. 4. 15.
Sic libitum vano, qui nos diſtinxit, Othoni. Juv. 3. 159.

poſition raiſed great diſorders in the City; ſo that all other buſineſs was interrupted, the elections of magiſtrates adjourned, and the Conſuls forced to have a guard. The matter however was compounded, by moderating the ſeverity of the penalties in a new law offered by the Conſuls, which was accepted by CORNELIUS, and enacted in proper form, under the title of the *Calpurnian law*, from the name of the Conſul C. CALPURNIUS PISO [*c*]. CICERO ſpeaks of it ſtill *as rigorouſly drawn* [*d*]; for beſides a pecuniary fine, it rendered the guilty *incapable of any public office or place in the Senate.* This CORNELIUS ſeems to have been a brave and honeſt Tribun; tho' ſomewhat too fierce and impetuous in aſſerting the rights of the Citizens: he publiſhed another law, *to prohibit any man's being abſolved from the obligation of the laws, except by the authority of the people*; which, tho' a part of the old conſtitution, had long been uſurped by the Senate; who diſpenſed with the laws by their own decrees, and thoſe often made clandeſtinely, when a few onely were privy to them. The Senate being reſolved not to part with ſo valuable a privilege, prevailed with another Tribun to inhibit the publication of it, when it came to be read; upon which CORNELIUS took the book from the Clerk, and read it himſelf. This was irregular, and much inveighed againſt, as *a violation of the rights of the Tribunate*; ſo that CORNELIUS was once more forced to compound the matter by a milder law, forbidding the Senate to *paſs any ſuch decrees, unleſs when two hundred Senators were preſent* [*e*]. Theſe diſturbances however proved the occaſion of an unexpected honor to CICERO, by

[*c*] Dio, l. 36. c. 18.
[*d*] Erat enim ſeveriſſime ſcripta Calpurnia. Pro Mur. 23.
[*e*] Aſconii argument. pro Cornelio.

by giving him a more ample and public teſtimony of the people's affection; for *in three different aſſemblies convened for the choice of Prætors, two of which were diſſolved without effect, he was declared every time the firſt Prætor, by the ſuffrages of all the Centuries* [*f*].

THE *Prætor* was a magiſtrate next in dignity to the *Conſuls*; created originally as a collegue or aſſiſtant to them in the adminiſtration of Juſtice, and to ſupply their place alſo in abſence [*g*]. At firſt there was but one; but as the dominion and affairs of the Republic encreaſed, ſo *the number of Prætors was gradually enlarged from one to eight*. They were choſen, not as the inferior magiſtrates, by the people voting *in their Tribes, but in their Centuries*; as the *Conſuls* and *Cenſors* alſo were. In the firſt method, *the majority of votes in each Tribe determined the general vote of the Tribe, and a majority of Tribes determined the election*; in which the meaneſt Citizen had as good a vote as the beſt: but in the ſecond, the balance of power was thrown into the hands of the better ſort, by a wiſe contrivance of one of their Kings, SERVIUS TULLIUS; *who divided the whole body of the Citizens into a hundred and ninety three Centuries, according to a Cenſus or valuation of their eſtates; and then reduced theſe Centuries into ſix Claſſes according to the ſame rule; aſſigning to the firſt or richeſt Claſs ninety ſeven of theſe Centuries, or a majority of the whole number:* ſo that if *the Centuries of the firſt Claſs* agreed, the affair was over, and the votes of all the reſt inſignificant [*b*].

[*f*] Nam cum propter dilationem comitiorum ter Prætor primus centuriis cunctis renuntiatus ſum. Pro leg. Manil. 1.

[*g*] Aul. Gellius, 13. 15.

[*b*] From this diviſion of the people into *Claſſes*, the word *Claſſical*, which we now apply to writers of the firſt rank is derived: for it ſignified originally perſons of *the firſt Claſs*, all the reſt being ſtiled *infra Claſſem*. Ib. 7. 13.

THE buſineſs of the Prætors was to preſide and judge in all cauſes; eſpecially of a public or criminal kind, where their ſeveral juriſdictions were aſſigned to them *by lot* [*i*]; and it fell to CICERO's, *to ſit upon actions of extortion and rapine, brought againſt Magiſtrates and Governors of Provinces* [*k*]; in which, as he tells us himſelf, *he had acted as an accuſer, ſat as a judge, and præſided as Prætor* [*l*]. In this office he acquired a great reputation of integrity by the condemnation of LICINIUS MACER, a perſon *of Prætorian dignity and great eloquence; who would have made an eminent figure at the Bar, if his abilities had not been ſullied by the infamy of a vicious life* [*m*]. "This man, as PLUTARCH "relates it, depending upon his intereſt, and the influ- "ence of CRASSUS, who ſupported him with all his "power, was ſo confident of being acquitted, that "without waiting for ſentence, he went home to dreſs "himſelf, and, as if already abſolved, was returning to- "wards the Court in a white gown; but being met on "his way by CRASSUS, and informed that he was con- "demned by the unanimous ſuffrage of the Bench, he "took his bed, and died immediately." The ſtory is told differently by other writers: "That MACER was "actually in the Court, expecting the iſſue; but per- "ceiving CICERO ready to give judgement againſt him, "he ſent one to let him know that he was dead, and "ſtopping his breath at the ſame time with an handker- "chief, inſtantly expired; ſo that CICERO did not pro- "cede to ſentence, by which MACER's eſtate was ſaved "to his ſon LICINIUS CALVUS," an orator afterwards of "the

[*i*] In Verr. Act. 1. 8.
[*k*] Poſtulatur apud me Prætorem primum de pecuniis repetundis. Pro Cornel. 1. fragm.
[*l*] Accuſavi de pecuniis repetundis, Judex ſedi, Prætor quæſivi, &c. Pro Rabir. Poſt. 4.
[*m*] Brutus, 352.

" the first merit and eminence [*n*]." But from CICERO's own account it appears, that after treating MACER in the trial with *great candor and equity, he actually condemned him, with the universal approbation of the people; and did himself much more honor and service by it, than he could have reaped*, he says, *by* MACER'S *friendship and interest, if he had acquitted him* [*o*].

MANILIUS, one of the new Tribuns, no sooner entered into his office, than he raised a fresh disturbance in the City, by the promulgation of a law, *for granting to slaves set free a right of voting among the Tribes*; which gave so much scandal to all, and was so vigorously opposed by the Senate, that he was presently obliged to drop it [*p*]: but *being always venal*, as VELLEIUS says, *and the tool of other men's power*, that he might recover his credit with the people, and engage the favor of POMPEY, he proposed a second law, that POMPEY, *who was then in Cilicia, extinguishing the remains of the Piratic war, should have the government of Asia added to his commission, with the command of the Mithridatic war, and of all the Roman armies in those parts* [*q*]. It was about *eight years* since LUCULLUS was first sent to that war; in which, by a series of many great and glorious acts, he had acquired a reputation both of courage and conduct, equal to that of the greatest Generals: he had driven MITHRIDATES *out of his kingdom of Pontus*, and gained several memorable victories against him, tho' supported by

[*n*] Plutarch. Cic. Valer. Max. 9. 12.

[*o*] Nos hic incredibili ac singulari populi voluntate de C. Macro transegimus: cui cum æqui fuissemus, tamen multo majorem fructum ex populi existimatione, illo damnato, cepimus, quam ex ipsius, si absolutus esset, gratia cepissemus. Ad Att. 1. 4.

[*p*] Ascon. in Orat. pro Cornel. Dio, l. 36. 20.

[*q*] Semper venalis, & alienæ minister potentiæ, legem tulit, ut bellum Mithridaticum per Cn. Pompeium administraretur. Vell. Pat. 2. 33.

by the whole force of TIGRANES, the moſt potent Prince of *Aſia*; till his army, harraſſed by perpetual fatigues, and debauched by his factious officers, particularly by his brother in law, young CLODIUS [*r*], began to grow impatient of his diſcipline, and to demand their diſcharge. Their diſaffection was ſtill encreaſed by the unlucky defeat of one of his Lieutenants, TRIARIUS; who, in a raſh engagement with MITHRIDATES, was deſtroyed with the loſs of his camp, and the beſt of his troops; ſo that as ſoon as they heard that GLABRIO, *the Conſul of the laſt year, was appointed to ſuccede him, and actually arrived in Aſia*; they broke out into an open mutiny, and refuſed to follow him any farther, declaring themſelves to be no longer his ſoldiers: but GLABRIO, upon the news of theſe diſorders, having no inclination to enter upon ſo troubleſome a command, *choſe to ſtop ſhort in Bithynia, without ever going to the army* [*s*].

THIS mutinous ſpirit in LUCULLUS's troops, and the loſs of his authority with them, which GLABRIO was ſtill leſs qualified to ſuſtain, gave a reaſonable pretext to MANILIUS's *law*; and POMPEY's ſucceſs againſt the *Pirates*, and his being upon the ſpot with a great army, made it likewiſe the more plauſible: ſo that after a ſharp conteſt and oppoſition from ſome of the beſt and greateſt of the Senate, the Tribun carried his point, and got the law confirmed by the people. CICERO ſupported it with all his eloquence, in a ſpeech from *the Roſtra*, which he had never mounted till this occaſion: where, in diſplaying the character of POMPEY, he draws the picture of a conſummate General, with all the ſtrength and beauty of colors,

[*r*] Poſt, exercitu L. Luculli ſollicitato per nefandum ſcelus, fugit illinc. De Aruſpicum reſponſ. 20. Plutarch. in Lucull.

[*s*] Pro leg. Manil. 2, 9. Plutarch. ib. Dio, l. 36. p. 7.

colors, which words can give. He was now in the career of his fortunes, and in ſight as it were of the Conſulſhip; the grand object of his ambition; ſo that his conduct was ſuſpected to flow from an intereſted view of facilitating his own advancement, by paying this court to POMPEY's power: but the reaſons already intimated, and POMPEY's ſingular character of modeſty and abſtinence, joined to the ſuperiority of his military fame, might probably convince him, that it was not onely ſafe, but neceſſary at this time to commit a war, which no body elſe could finiſh, to ſuch a General; and a power, which no body elſe ought to be entruſted with, to ſuch a man. This he himſelf ſolemnly affirms in the concluſion of his ſpeech: "I call the Gods to witneſs, ſays he, "and eſpecially thoſe, who preſide over this Temple, "and inſpect the minds of all, who adminiſter the public "affairs, that I neither do this at the deſire of any one, "nor to conciliate POMPEY's favor, nor to procure from "any man's greatneſs, either a ſupport in dangers, or "aſſiſtance in honors: for as to dangers; I ſhall repell "them, as a man ought to do, by the protection of "my innocence; and for honors; I ſhall obtain them, "not from any ſingle man, nor from this place, but "from my uſual laborious courſe of life, and the con-"tinuance of your favor. Whatever pains therefore I "have taken in this cauſe, I have taken it all I aſſure "you, for the ſake of the Republic; and ſo far from "ſerving any intereſt of my own by it, have gained the "ill will and enmity of many; partly ſecret; partly de-"clared; unneceſſary to my ſelf; yet not uſeleſs perhaps "to you: but after ſo many favors received from you, "and this very honor which I now enjoy, I have made

"it

" it my reſolution, Citizens, to prefer your will, the " dignity of the Republic, and the ſafety of the Pro- " vinces, to all my own intereſts and advantages what- " ſoever [*t*].

J. CÆSAR alſo was a zealous promoter of this law; but from a different motive than the love either of POMPEY, or the *Republic:* his deſign was, *to recommend himſelf by it to the people*, whoſe favor, he foreſaw, would be of more uſe to him than the Senate's, and *to caſt a freſh load of envy on* POMPEY, which, by ſome accident, might be improved afterwards to his hurt; but his chief view was *to make the precedent familiar*, that, whatever uſe POMPEY might make of it, he himſelf might one day make a bad one [*u*]. For this is the common effect of breaking through the barrier of the laws, by which many ſtates have been ruined; when, from a confidence in the abilities and integrity of ſome eminent Citizen, they inveſt him, on preſſing occaſions, with extraordinary powers, for the common benefit and defence of the ſociety, for tho' power ſo entruſted may in particular caſes be of ſingular ſervice, and ſometimes even neceſſary; yet the example is always dangerous; furniſhing a perpetual pretenſe to the ambitious and ill-deſigning, to graſp at every prerogative, which had been granted at any time to the virtuous; till the ſame power which would ſave a country in good hands, oppreſſes it at laſt in bad.

THO' CICERO had now full employment as *Prætor*, both in the affairs of ſtate and public trials; yet he found time ſtill to act *the Advocate*, as well as *the Judge*; and not onely to hear cauſes in his own Tribunal, but to plead

[*t*] Pro leg. Manil. 24. [*u*] Dio, l. 36. 21.

plead them alſo at the Tribunals of the other *Prætors*. He now defended A. CLUENTIUS, a Roman Knight of ſplendid family and fortunes, accuſed before the Prætor Q. NASO, *of poyſoning his father in law* OPPIANICUS; who a few years before had been *tried and baniſhed for an attempt to poyſon* CLUENTIUS. The oration, which is extant, lays open a ſcene of ſuch complicated villainy, *by poyſons, murther, inceſt, ſuborning witneſſes, corrupting judges*, as the Poets themſelves have never feigned in any one family; all contrived by the mother of CLUENTIUS, againſt the life and fortunes of her ſon: " But what a mother! ſays CICERO; one, who is hur- " ried blindfold by the moſt cruel and brutal paſſions; " whoſe luſt no ſenſe of ſhame reſtrains; who by the " viciouſneſs of her mind perverts all the laws of men " to the worſt ends; who acts with ſuch folly, that none " can take her for a human creature; with ſuch vio- " lence, that none can imagine her to be a woman; " with ſuch cruelty, that none can conceive her to be " a mother; one, who has confounded not onely the " name and the rights of nature, but all the relations of " it too: the wife of her ſon in law! the ſtepmother of " her ſon! the invader of her daughter's bed! in ſhort, " who has nothing left in her of the human ſpecies, but " the mere form [*x*].

HE is ſuppoſed to have defended ſeveral other criminals this year, tho' the pleadings are now loſt, and particularly M. FUNDANIUS: but what gives the moſt remarkable proof of his induſtry, is, *that during this Prætorſhip*, as ſome of the ancient writers tell us, tho' he was in full practiſe and exerciſe of ſpeaking, *yet he*

[*x*] Pro Cluent. 70.

frequented the ſchool of a celebrated Rhetorician, GNIPHO [*y*]. We cannot ſuppoſe that his deſign was to learn any thing new, but to preſerve and confirm that perfection, which he had already acquired; *and to prevent any ill habit from growing inſenſibly upon him, by exerciſing himſelf under the obſervation of ſo judicious a maſter.* But his chief view certainly was, to give ſome countenance and encouragement to GNIPHO himſelf, as well as to the art which he profeſſed; and by the preſence and authority of one of the firſt Magiſtrates of *Rome*, to inſpire the young Nobles with an ambition to excell in it.

WHEN his Magiſtracy was juſt at an end, MANILIUS, whoſe *Tribunate* expired a few days before, was accuſed before him *of rapine and extortion*; and tho' *ten days* were always allowed to the criminal, to prepare for his defence, he appointed the very next day for the trial. This ſtartled and offended the Citizens, who generally favored MANILIUS, and looked upon the proſecution as the effect of malice and reſentment on the part of the Senate, for his law in favor of POMPEY. The Tribuns therefore called CICERO to an account before the people, for treating MANILIUS ſo roughly; who in defence of himſelf ſaid, *That as it had been his practice, to treat all criminals with humanity, ſo he had no deſign of acting otherwiſe with* MANILIUS, *but on the contrary had appointed that ſhort day for the trial, becauſe it was the onely one of which he was maſter; and that it was not the part of thoſe, who wiſhed well to* MANILIUS, *to throw off the cauſe to another Judge.* This made a wonderfull change

[*y*] Scholam ejus claros viros frequentaſſe aiunt; in his M. Ciceronem, etiam cum Prætura fungeretur. Sueton. de clar. Grammat. 7. Macrob. Saturn. 3. 12.

change in the minds of the audience; who applauding his conduct, desired then that he would undertake *the defence of* MANILIUS, to which he consented; *and stepping up again into the Rostra, laid open the source of the whole affair, with many severe reflections upon the enemies of* POMPEY [z]. The trial however was dropt, on account of the tumults, which arose immediately after in the City, from some new incidents of much greater importance.

AT the *Consular election*, which was held this summer, P. AUTRONIUS PÆTUS and P. CORNELIUS SYLLA were declared Consuls: but their election was no sooner published, than they were accused *of bribery and corruption* by the *Calpurnian law*; and being brought to trial, and found guilty before their entrance into office, forfeited the Consulship to their accusers and competitors, L. MANLIUS TORQUATUS and L. AURELIUS COTTA. CATILINE also, who from his *Prætorship* had obtained *the Province of Afric*, came to *Rome* this year to appear a candidate at the election; but being accused *of extortion and rapine* in that government, was not permitted by the Consuls to pursue his pretensions [a].

THIS disgrace of men so powerfull and desperate engaged them presently *in a conspiracy against the State*; in which it was resolved *to kill the new Consuls*, with several others of the Senate, and share the government among themselves: but the effect of it was prevented by some information given of the design, which was too precipitately laid to be ripe for execution. Cn. PISO, *an audacious, needy, factious young nobleman*, was privy to

[z] Plutarch. in Cic.

[a] Qui tibi, cum L. Volcatius Consul in consilio fuisset, ne petendi quidem potestatem esse voluerunt. Orat. in Tog. cand. Catilina, pecuniarum repetundarum reus, prohibitus erat petere Consulatum. Sall. 18.

it [*b*]: and, as SUETONIUS ſays, two more of much greater weight, M. CRASSUS and J. CÆSAR; the firſt of whom was to be created *Dictator*, the ſecond his *Maſter of the Horſe: but* CRASSUS's *heart failing him, either through fear or repentance, he did not appear at the appointed time, ſo that* CÆSAR *would not give the ſignal agreed upon, of letting his robe drop from his ſhoulder* [*c*]. The Senate was particularly jealous of PISO; and hoping to cure his diſaffection by making him eaſy in his fortunes, or to remove him at leaſt from the cabals of his aſſociates, gave him *the government of Spain*, at the inſtance of CRASSUS, who ſtrenuouſly ſupported him as a determined enemy to POMPEY. But before his ſetting out, CÆSAR *and he are ſaid to have entered into a new and ſeparate engagement; that the one ſhould begin ſome diſturbance abroad, while the other was to prepare and inflame matters at home:* but this plot alſo was defeated by the unexpected death of PISO; who was aſſaſſinated *by the Spaniards*; as ſome ſay, *for his cruelty*; or as others, *by* POMPEY's *clients, and at the inſtigation of* POMPEY *himſelf* [*d*].

CICERO, at the expiration of his *Prætorſhip*, would not accept any *foreign Province* [*e*], the uſual reward of that Magiſtracy, and the chief fruit, which the generality propoſed from it. He had no particular love for money, nor

[*b*] Cn. Piſo, adoleſcens nobilis, ſummæ audaciæ, egens, factioſus——cum hoc Catilina & Autronius——conſilio communicato, parabant in Capitolio L. Cottam & L. Torquatum Coſſ. interficere. Ea re cognita, rurſus in Nonas Feb. conſilium cædis tranſtulerant. Ibid.

[*c*] Ut principio anni Senatum adorirentur, & trucidatis, quos placitum eſſet, Dictaturam Craſſus, invaderet, ipſe ab eo Magiſter Equitum diceretur.—Craſſum pœnitentia vel metu diem cædi deſtinatum non obiiſſe, idcirco, ne Cæſarem quidem ſignum, quod ab eo dari convenerat, dediſſe. Sueton. in J. Cæſ. 9.

[*d*] Pactumque, ut ſimul foris ille, ipſe Romæ, ad res novas conſurgerent. Ibid.

Sunt, qui dicant, imperia ejus injuſta—barbaros nequiviſſe pati: alii autem, equites illos, Cn. Pompeii veteres clientes, voluntate ejus Piſonem aggreſſos. Sall. 19.

[*e*] Tu in provinciam ire noluiſti: non poſſum id in te reprehendere, quod in meipſo Prætor—probavi. Pro Muren. 20.

nor genius for arms; ſo that thoſe governments had no charms for him: the glory which he purſued, was to ſhine in the eyes of the City, as the Guardian of it's laws: and to teach the Magiſtrates how to execute, the Citizens how to obey them. But he was now preparing to ſue for *the Conſulſhip*; the great object of all his hopes; and his whole attention was employed, how to obtain it in his proper year, and without a repulſe. There were *two years* neceſſarily to intervene between *the Prætorſhip* and *Conſulſhip*; the firſt of which was uſually ſpent in forming a general intereſt, and ſolliciting for it as it were in a private manner; the ſecond in ſuing for it openly, in the proper form and habit of a candidate, The affection of the City, ſo ſignally declared for him in all the inferior ſteps of honor, gave him a ſtrong preſumption of ſucceſs, in his preſent pretenſions to the higheſt: but as he had reaſon to apprehend a great oppoſition from the Nobility; who looked upon the public dignities *as a kind of birth-right*, and could not brook their being intercepted and ſnatched from them *by new men* [*f*]; ſo he reſolved to put it out of their power to hurt him, by omitting no pains, which could be required of a candidate, of viſiting and ſolliciting all the Citizens in perſon. At the election therefore of *the Tribuns*, on *the ſixteenth of July*, where the whole City was aſſembled *in the field of Mars*, he choſe to make his firſt effort, and to mix himſelf with the croud, on purpoſe to careſs and ſalute them familiarly by name: and as ſoon as there was any vacation in *the Forum*, which happened uſually in *Auguſt*, he intended to make an excurſion into

[*f*] Non idem mihi licet quod iis, quì nobili genere nati ſunt, quibus omnia populi Romani beneficia dormientibus deferuntur. In Verr. 5. 70.

to *the Ciſalpine Gaul*; and in the character of *a Lieutenant to* PISO, the Governor of it, to viſit *the Towns and Colonies of that Province*, which was reckoned very ſtrong in the number of it's votes, and ſo return to *Rome* in *January* following [*g*]. While he was thus employed in ſuing for the Conſulſhip, L. COTTA, a remarkable lover of wine, was one of the *Cenſors*; which gave occaſion to one of CICERO's jokes, that PLUTARCH has tranſmitted to us; that happening one day to be dry with the fatigue of his taſk, he called for a glaſs of water to quench his thirſt; and when his friends ſtood cloſe around him, as he was drinking, *You do well*, ſays he, *to cover me, leſt* COTTA *ſhould cenſure me for drinking water.*

HE wrote about the ſame time to ATTICUS, then at *Athens*, to deſire him to engage all that band of POMPEY's dependents, who were ſerving under him in the *Mithridatic war*; and by way of jeſt bids him tell POMPEY himſelf, *that he would not take it ill of him, if he did not come in perſon to his election* [*h*]. ATTICUS ſpent many years in this reſidence at *Athens*, which gave CICERO an opportunity of employing him, to buy a great number of ſtatues for the ornament of his ſeveral Villa's; eſpecially that at *Tuſculum*; in which he took the greateſt pleaſure [*i*], for it's delightfull ſituation in the neighbourhood of *Rome*, and the convenience of an eaſy retreat from the hurry and fatigues of the City: here he had built ſeveral rooms and galleries, in imitation of *the Schools*

[*g*] Quoniam videtur in ſuffragiis multum poſſe Gallia, cum Romæ a judiciis Forum refrixerit, excurremus menſe Septembri legati ad Piſonem. Ad Att. 1. 1.

[*h*] Illam manum tu mihi cura ut præſtes, Pompeii noſtri amici. Nega me ei iratum fore, ſi ad mea comitia non venerit. Ibid.

[*i*] Quæ tibi mandavi, & quæ tu convenire intelliges noſtro Tuſculano, velim, ut ſcribis, cures: nos ex omnibus moleſtiis & laboribus uno illo in loco conquieſcimus. Ibid. 5.

Schools and Portico's of Athens; which he called likewiſe by their *Attic names* of *the Academy and Gymnaſium*, and deſigned for the ſame uſe of Philoſophical conferences with his learned friends. He had given ATTICUS a general commiſſion, to purchaſe for him any piece of *Grecian art or ſculpture*, which was elegant and curious; eſpecially of *the litterary kind, or proper for the furniture of his Academy* [*k*]; which ATTICUS executed to his great ſatisfaction, and ſent him at different times ſeveral cargoes of ſtatues, which arrived ſafe at *the port of Cajeta*, near to his *Formian Villa* [*l*]; and pleaſed him always ſo well, both in the choice and the price of them, that upon the receipt of each parcel, he ſtill renewed his orders for more.

"I HAVE paid, ſays he, a hundred and ſixty four "pounds, as you ordered, to your agent CINCIUS, for "the *Megaric* ſtatues. The MERCURIES, which you "mentioned, of *Pentilician* marble, with brazen heads, "give me already great pleaſure: Wherefore I would "have you ſend me as many of them as you can, and "as ſoon as poſſible; with any other ſtatues and orna-"ments, which you think proper for the place, and in "my taſt, and good enough to pleaſe yours; but above "all, ſuch as will ſuit my Gymnaſium and Portico; for "I am grown ſo fond of all things of that kind, that "tho' others probably may blame me, yet I depend on "you to aſſiſt me [*m*].

OF all the pieces which ATTICUS ſent, he ſeems to have been the moſt pleaſed with a ſort of *compound emblematical*

[*k*] Quicquid ejuſdem generis habebis, dignum Academia quod tibi videbitur, ne dubitaveris mittere. & arcæ noſtræ confidito. Ad Att. 1, 9. Vid. it. 5, 6. 10.

[*l*] Signa. quæ curaſti, ea ſunt ad Cajetam expoſita. Ib. 3.

[*m*] Ibid. &

blematical figures, repreſenting MERCURY and MINERVA, or MERCURY and HERCULES jointly upon one baſe, called HERMATHENÆ and HERMERACLÆ: for HERCULES *being the proper Deity of the Gymnaſium*, MINERVA *of the Academy*, *and* MERCURY *common to both*, they exactly ſuited the purpoſe, for which he deſired them [*n*]. But he was ſo intent on embelliſhing this *Tuſculan Villa* with all ſorts of *Grecian work*, that he ſent over to ATTICUS *the plans of his cielings*, which were of *Stucco-work*, in order to beſpeak pieces of ſculpture or painting to be inſerted in the compartments; with *the covers of two of his wells or fountains*, which, according to the cuſtom of thoſe times, they uſed to form after ſome elegant pattern, and adorn with figures in relief [*o*].

NOR was he leſs eager in making a collection of *Greek books*, and forming a library, by the ſame opportunity of ATTICUS's help. This was ATTICUS's own paſſion; who having free acceſs to all the libraries of *Athens*, was employing his ſlaves in copying the works of their beſt writers; not onely for his own uſe, but for ſale alſo, and the common profit both of the ſlave and the maſter: for ATTICUS was remarkable, above all men of his rank, *for a family of learned ſlaves*; having ſcarce *a foot-boy in his houſe, who was not trained both to read and write for him.*

[*n*] Hermathena tua me valde delectat. Ib. 1. Quod ad me de Hermathena ſcriqis, per mihi gratum eſt——quod & Hermes commune omnium, & Minerva ſingulare eſt inſigne ejus gymnaſii. Ib. 4. Signa noſtra & Hermeraclas, cum commodiſſime poteris, velim imponas. Ib. 10.

The learned generally take theſe *Hermeraclæ* and *Hermathenæ* to be nothing more than a tall ſquare pedeſtal of ſtone, which was the emblem of *Mercury* with the head of the other Deity, *Minerva* or *Hercules* upon it, of which ſort there are ſeveral ſtill extant, as we ſee them deſcribed in the books of Antiquities. But I am apt to think, that the heads of both the Deities were ſometimes alſo joined together upon the ſame pedeſtal, looking different ways, as we ſee in thoſe antique figures which are now indiſcriminately called *Janus's*.

[*o*] Præterea typos tibi mando, quos in tectorio atrioli poſſim includere, & putealia figillata duo. Ibid.

him [*p*]. By this advantage he had made a very large collection of choice and curious books, and ſignified to CICERO his deſign of ſelling them; yet ſeems to have intimated withal, *that he expected a larger ſumm for them, than* CICERO *would eaſily ſpare:* which gave occaſion to CICERO to beg of him in ſeveral letters, to reſerve the whole number for him, till he could raiſe money enough for the purchaſe.

" PRAY keep your books, ſays he, for me, and do " not deſpair of my being able to make them mine; " which if I can compaſs, I ſhall think my ſelf richer " than CRASSUS, and deſpiſe the fine Villa's and Gar- " dens of them all [*q*]." Again; " Take care, that you " do not part with your library to any man, how eager " ſoever he may be to buy it; for I am ſetting apart all " my little rents, to purchaſe that relief for my old " age [*r*]." In a third letter, he ſays, " That he had " placed all his hopes of comfort and pleaſure, whenever " he ſhould retire from buſineſs, on ATTICUS's reſerving " theſe books for him [*s*].

BUT to return to the affairs of the City. CICERO was now engaged in the defenſe of C. CORNELIUS, who was accuſed and tried *for practices againſt the ſtate in his late Tribunate*, before the Prætor Q. GALLIUS. This trial, which laſted four days, was one of the moſt important, in which he had ever been concerned: the *two Conſuls*

[*p*] In ea erant pueri literatiſſimi, anagnoſtæ optimi, & plurimi librarii; ut ne pediſſequus quidem quiſquam eſſet, qui non utrumque horum pulchre facere poſſet. Corn. Nep. in vita Attici, 13.

[*q*] Libros tuos conſerva, & noli deſperare, eos me meos facere poſſe: quod ſi aſſequor, ſupero Craſſum divitiis, atque omnium vicos & prata contemno. Ad Attic. 1. 4.

[*r*] Bibliothecam tuam cave cuiquam deſpondeas, quamvis acrem amatorem inveneris. Ibid. 10.

[*s*] Velim cogites, id quod mihi pollicitus es, quemadmodum bibliothecam nobis conficere poſſis. Omnem ſpem delectationis noſtræ, quam cum in otium venerimus, habere volumus, in tua humanitate poſitam habemus. Ibid. 7.

preſided in it; and all the chiefs of the Senate, Q. CATULUS, L. LUCULLUS, HORTENSIUS, &c. *appeared as witneſſes againſt the criminal* [*t*]; whom CICERO *defended*, as QUINTILIAN ſays, *not onely with ſtrong, but ſhining arms*, and with a force of eloquence, that drew *acclamations from the people* [*u*]. He publiſhed *two Orations* ſpoken in this cauſe, whoſe loſs is a public detriment to the literary world; ſince they were not onely the longeſt [*x*], but reckoned among the moſt finiſhed of his compoſitions of this kind: he himſelf refers to them as ſuch [*y*]; and the old Critics have drawn many examples from them of that genuin eloquence, which *extorts applauſe and excites admonition*.

C. PAPIUS, one of the Tribuns, publiſhed a law this year, *to oblige all ſtrangers to quit the City*, as one of his predeceſſors, PENNUS, had done likewiſe many years before him. The reaſon, which they alledged for it, was the confuſion occaſioned by the multitude and inſolence of foreigners, who aſſumed the habit and uſurped the rights of Citizens: but CICERO condemns all theſe laws, as *cruel and inhoſpitable, and a violation of the laws of nature and humanity* [*z*].

CATILINE was now brought to a trial *for his oppreſſions in Afric*: he had been ſolliciting CICERO to undertake his defenſe; who at one time was much inclined, or determined rather to do it, for the ſake of obliging *the Nobles*, eſpecially CÆSAR and CRASSUS; or of making CATILINE at leaſt his friend, as he ſignifies in a letter to ATTICUS: "I deſign, ſays he, at preſent to defend "my

[*t*] Aſcon. Argum.

[*u*] Nec fortibus modo, ſed etiam fulgentibus præliatus eſt Cicero in cauſa Cornelii. Lib. 8. 3.

[*x*] *Cicero* calls it his long Oration. Fragm. Hortenſii. it. Plin. Epiſt. l. 2.

[*y*] Orator. 67, 70.

[*z*] Uſu vero urbis prohibere peregrinos ſane inhumanum eſt. De Offic. 3. 11.

" my competitor CATILINE: We have judges to our " mind; yet ſuch as the accuſer himſelf is pleaſed with: " I hope, if he be acquitted, that he will be the more " ready to ſerve me in our common petition; but if it " fall out otherwiſe, I ſhall bear it with patience. It " is of great importance to me, to have you here as ſoon " as poſſible: for there's a general perſuaſion, that cer- " tain Nobles of your acquaintance will be againſt me; " and you, I know, could be of the greateſt ſervice in " gaining them over [*a*]." But CICERO changed his mind, and *did not defend him* [*b*]; upon a nearer view perhaps of his deſigns and traiterous practices; to which he ſeems to allude, when deſcribing the art and diſſimulation of CATILINE, he declares, *that he himſelf was once almoſt deceived by him; ſo as to take him for a good Citizen; a lover of honeſt men; a firm and faithfull friend*, &c. [*c*]. But it is not ſtrange, that a candidate for the Conſulſhip, in the career of his ambition, ſhould think of defending a man of the firſt rank and intereſt in the City, when *all the Conſular Senators*, and even *the Conſul himſelf*, TORQUATUS, appeared with him at the trial, and gave teſtimony in his favor. Whom CICERO excuſed, when they were afterwards reproached with it, by obſerving, *that they had no notion of his treaſons, nor ſuſpicion at that time of his conſpiracy; but out of mere humanity and compaſſion, defended a friend in diſtreſs; and in that criſis of his danger, overlooked the infamy of his life* [*d*].

[*a*] Ad Attic. 1, 2.

[*b*] Aſcon. in Tog. candid.

[*c*] Meipſum, me, inquam, quondam ille pene decepit, cum & civis mihi bonus, & optimi cujuſque cupidus, & firmus amicus & fidelis videretur. Pro Cælio, 6.

[*d*] Accuſati ſunt uno nomine Conſulares— affuerunt Catilinæ, eumque laudarunt. Nulla tum patebat, nulla erat cognita conjuratio, &c. Pro Syll. 29.

His proſecutor was P. Clodius, a young Nobleman as profligate as himſelf; ſo that it was not difficult to make up matters with ſuch an accuſer; who for a ſumm of money agreed to betray the cauſe, and ſuffer him to eſcape [*e*]: which gave occaſion to what Cicero ſaid afterwards in a ſpeech againſt him in the Senate, while they were ſuing together for the Conſulſhip: *Wretch! not to ſee, that thou art not acquitted, but reſerved only to a ſeverer trial and heavier puniſhment* [*f*]. It was in this year, as Cicero tells us, under the Conſuls Cotta and Torquatus, that thoſe prodigies happened, which were interpreted to portend *the great dangers and plots, that were now hatching againſt the State, and broke out two years after in* Cicero's *Conſulſhip*; *when the turrets of the Capitol, the ſtatues of the Gods, and the brazen image of the infant* Romulus *ſucking the wolf, were ſtruck down by lightning* [*g*].

Cicero being now in his *forty third year*, the proper age required by law [*h*], declared himſelf a candidate for the Conſulſhip, together with ſix competitors, P. Sulpicius

[*e*] A Catilina pecuniam accepit, ut turpiſſime prævaricaretur. De Haruſp. reſp. 20.

[*f*] O miſer, qui non ſentias illo judicio te non abſolutum, verum ad aliquod ſeverius judicium, ac majus ſupplicium reſervatum. Orat. in Tog. cand.

[*g*] Tactus eſt ille etiam, qui hanc urbem condidit, Romulus: quem inauratum in Capitolio parvum atque lactantem, uberibus lupinis inhiantem fuiſſe meminiſtis. In Catil. 3. 8.

This ſame figure, as it is generally thought, formed in braſs, of the infants *Romulus* and *Remus* ſucking the wolf, is ſtill preſerved and ſhewn in the *Capitol*, with the marks of a liquefaction by a ſtroke of lightning on one of the legs of the wolf. *Cicero* himſelf has deſcribed the prodigy in the following lines.

Hic ſilveſtris erat Romani nominis altrix
Martia; quæ parvos Mavortis ſemine natos
Uberibus gravidis vitali rore rigabat.
Quæ tum cum pueris flammato fulminis ictu
Concidit, atque avulſa pedum veſtigia liquit. De Divinat. 1. 12.

It was the ſame ſtatue, moſt probably, whence *Virgil* drew his elegant deſcription.

——Geminos huic ubera circum
Ludere pendentes pueros, & lambere matrem
Impavidos. Illam tereti cervice reflexam
Mulcere alternos, & corpora fingere lingua.
Æneid. 8. 631.

The martial twins beneath their mother lay,
And hanging on her dugs, with wanton play
Securely ſuck'd: whilſt ſhe reclin'd her head
To lick their tender limbs, and form them as they fed.

[*h*] Nonne tertio & triceſimo anno mortem obiit? quæ eſt ætas, noſtris legibus, decem annis minor, quam conſularis. Philip. 5. 17.

CIUS GALBA, L. SERGIUS CATILINA, C. ANTONIUS, L. CASSIUS LONGINUS, Q. CORNIFICIUS, C. LICINIUS SACERDOS. The two firſt were *Patricians*; the two next *Plebeians, yet noble*; the two laſt, the ſons of fathers, *who had firſt imported the public honors into their families:* CICERO was the onely *new man* among them, or one born *of Equeſtrian rank* [*i*]. GALBA and CORNIFICIUS were perſons *of great virtue and merit*; SACERDOS *without any particular blemiſh upon him*; CASSIUS *lazy and weak*; *but not thought ſo wicked as he ſoon after appeared to be*; ANTONIUS *and* CATILINE, *tho' infamous in their lives and characters, yet by intrigue and faction had acquired a powerfull intereſt in the City, and joined all the forces againſt* CICERO, *as their moſt formidable antagoniſt*; *in which they were vigorouſly ſupported by* CRASSUS *and* CÆSAR [*k*].

THIS was the ſtate of the competition; in which the practice of bribing was carried on ſo openly and ſhamefully by ANTONIUS and CATILINE, that the Senate thought it neceſſary, to give ſome check to it by a new and more rigorous law; but when they were proceding to publiſh it, L. MUCIUS ORESTINUS, one of the Tribuns, put his negative upon them. This Tribun had been CICERO's

[*i*] The diſtinction of *Patrician*, *Plebeian*, and *Noble*, may want a little explication. The title of *Patrician* belonged onely, in a proper ſenſe, to thoſe families, of which the Senate was compoſed in the earlieſt times, either of the Kings, or the firſt Conſuls; before the Commons had obtained a promiſcuous admiſſion to the public honors, and by that means into the Senate. All other families, how conſiderable ſoever, were conſtantly ſtiled *Plebeian*. *Patrician* then and *Plebeian* are properly oppoſed to each other; but *Noble* common to them both; for the character of Nobility was wholly derived from *the Curule Magiſtracies* which any family had born; and thoſe, which could boaſt of the greateſt number, were always accounted *the Nobleſt*; ſo that many *Plebeians* ſurpaſſed the *Patricians* themſelves in the point of *Nobility*. Vid. Aſcon. argum. in Tog. cand.

[*k*] Ceteri ejus competitores modeſte ſe geſſere; viſique ſunt Q. Cornificius & P. Galba, Sobrii ac Sancti viri. Sacerdos nulla improbitate notus. Caſſium, qui iners & ſtolidus tum magis quam improbus itaque hi quatuor tum pro re jacebant. Catilina & Antonius, quanquam omnibus maxime infamis eorum vita eſſet, tamen multum poterant. Coierant enim ambo, ut Ciceronem conſulatu dejicerent, adjutoribus uſi firmiſſimis, M. Craſſo & C. Cæſare. Aſcon. argum. in Tog. cand.

CICERO's client, and defended by him in an impeachment of *plunder and robbery*; but having now ſold himſelf to his enemies, made it the ſubject of all his harangues, to ridicule his birth and character, as unworthy of the Conſulſhip: in the debate therefore, which aroſe in the Senate upon the merit of his negative, CICERO, provoked to find ſo deſperate a confederacy againſt him, roſe up, and after ſome raillery and expoſtulation with MUCIUS, made a moſt ſevere invective on the flagitious lives and practices of *his two competitors*, in a ſpeech uſually called *in Toga candida*; becauſe it was delivered *in a white Gown*, the proper habit *of all Candidates*, and from which the name itſelf was derived [*l*].

THO' he had now buſineſs enough upon his hands, to engage his whole attention, yet we find him employed in the defenſe of Q. GALLIUS, the Prætor of the laſt year, accuſed *of corrupt practices* in procuring that magiſtracy. GALLIUS, it ſeems, when choſen *Ædile*, had diſguſted the people by not providing *any wild beaſts* for their entertainment in his public ſhews; ſo that to put them into good humor when he ſtood for the *Prætorſhip*, he entertained them with *Gladiators*, on pretenſe of giving them *in honor of his deceaſed father* [*m*]. This was his crime, of which he was accuſed by M. CALLIDIUS, whoſe father had been impeached before by GALLIUS. CALLIDIUS was one of the *moſt eloquent and accurate ſpeakers of his time*; *of an eaſy, flowing, copious ſtile*; *always delighting, tho' ſeldom warming his audience*; which was the onely thing wanting to make him *a complete Orator*. Beſides the public crime juſt mentioned, he charged GALLIUS with a private one againſt himſelf; *a deſign to poyſon him*;

[*l*] Ibid. [*m*] Aſcon. not. ibid.

him; of which he pretended to have manifeſt proofs, as well from *the teſtimony of witneſſes, as from his own hand and letters:* but he told his ſtory with ſo much temper and indolence, that CICERO, from his coldneſs in opening a fact ſo intereſting, and where his life had been attempted, formed an argument to prove, that it could not be true. "How is it poſſible, ſays he, CALLIDIUS, for "you to plead in ſuch a manner, if you did not know "the thing to be forged? How could you, who act "with ſuch force of eloquence in other men's dangers, "be ſo indolent in your own? Where was that grief, "that ardor, which uſed to extort cries and lamentations "from the moſt ſtupid? We ſaw no emotion of your "mind, none of your body; no ſtriking your forehead, "or your thigh; no ſtamping with your foot: ſo that "inſtead of feeling ourſelves inflamed, we could hardly "forbear ſleeping, while you were urging all that part "of your charge [*n*]." CICERO's ſpeech is loſt, but GALLIUS was acquitted; for we find him afterwards revenging himſelf in the ſame kind on this very CALLIDIUS, by accuſing him of *bribery* in his ſuit for the Conſulſhip [*o*].

J. CÆSAR was one of *the aſſiſtant judges* this year to the *Prætor*, whoſe province it was to ſit upon the *Sicarii*; that is, thoſe who were accuſed *of killing*, or *carrying a dagger with intent to kill*. This gave him an opportunity of citing before him as criminals, and condemning by *the law of aſſaſſinate* all thoſe, who in SYLLA's *proſcription had been known to kill, or receive money for killing a proſcribed Citizen*; which money CATO alſo, when he was *Quæſtor* the year before, *had made them refund to the*

[*n*] Brutus, p. 402. 3.

[*o*] Epiſt. fam. 8. 4.

the treaſury [*p*]. CÆSAR's view was, to mortify the Senate and ingratiate himſelf with the people, by reviving *the Marian cauſe*, which had always been popular; and of which he was naturally the head, on account of his near relation to old MARIUS: for which purpoſe he had the hardineſs likewiſe, *to replace in the Capitol the trophies and ſtatues of* MARIUS, *which* SYLLA *had ordered to be thrown down and broken to pieces* [*q*]. But while he was proſecuting with ſuch ſeverity the agents of SYLLA's cruelty, he not onely ſpared, but favored CATILINE, who was one of the moſt cruel, in ſpilling the blood of the proſcribed; having butchered with his own hands, and in a manner the moſt brutal, C. MARIUS GRATIDIANUS, a favorite of the people; nearly related both to MARIUS and CICERO; *whoſe head he carried in triumph through the ſtreets to make a preſent of it to* SYLLA [*r*]. But CÆSAR's zeal provoked L. PAULLUS to bring CATILINE alſo under the laſh of the ſame law; and to accuſe him in form, after his repulſe from the Conſulſhip, *of the murther of many Citizens in* SYLLA's *proſcription*: of which tho' he was notoriouſly guilty, yet, contrary to all expectation, he was acquitted [*s*].

CATILINE was ſuſpected alſo at the ſame time of another heinous and capital crime; an inceſtuous commerce with FABIA; *one of the Veſtal Virgins*, and ſiſter to CICERO's wife. This was charged upon him ſo loudly by common fame, and gave ſuch ſcandal to the City, that FABIA was

[*p*] Plutarch. in Cato. Sueton. J. Cæſ. 11.

[*q*] Quorum auctoritatem, ut, quibus poſſet modis, diminueret, trophæa C. Marii—a Sylla olim disjecta, reſtituit. Suet. ib.

[*r*] Qui hominem cariſſimum populo Romano—omni cruciatu vivum lacerarit; ſtanti collum gladio ſua dextera ſecuerit: cùm ſiniſtra capillum ejus a vertice teneret. &c. Vid. de petitione Conſulat. 3.

Quod caput etiam tum plenum animæ & ſpiritus, ad Syllam, uſque a janiculo ad ædem Apollinis, manibus ipſe ſuis detulit. In Tog. cand.

[*s*] Bis abſolutum Catilinam. Ad Att. 1. 16. Salluſt. 31. Dio, l. 56. p. 34.

was brought to a trial for it; but either through her innocence, or the authority of her brother CICERO, ſhe was readily acquitted: which gave occaſion to CICERO to tell him, among the other reproaches on his flagitious life, *that there was no place ſo ſacred, whither his very viſits did not carry pollution, and leave the imputation of guilt, where there was no real crime ſubſiſting* [*t*].

As the election of Conſuls approached, CICERO's intereſt appeared to be ſuperior to that of all the candidates: for the Nobles themſelves, tho' always envious and deſirous to depreſs him, yet out of regard to the dangers which threatened the City from many quarters, and ſeemed ready to burſt out into a flame, began to think him the onely man qualified to preſerve the Republic, and break the cabals of the deſperate, by the vigor and prudence of his adminiſtration: *for in caſes of danger*, as SALLUST obſerves, *pride and envy naturally ſubſide, and yield the poſt of honor to virtue* [*u*]. The method of chuſing Conſuls was not by an open vote, but by a kind *of ballot, or little tickets of wood*, diſtributed to the citizens with the names of the candidates ſeverally inſcribed upon each: but in CICERO's caſe, the people were not content with this ſecret and ſilent way of teſtifying their inclinations; but before they came to any ſcrutiny, *loudly and univerſally proclamed* CICERO *the firſt Conſul*; ſo that, as he himſelf declared in his ſpeech to them after his election, *he was not choſen by the votes of particular Citizens, but the common ſuffrage of the City; nor declared by the voice of the crier, but of*

[*t*] Cum ita vixiſti, ut non eſſet locus tam ſanctus, quo non adventus tuus, etiam cum culpa nulla ſubeſſet, crimen afferret. Orat. in Tog. cand. Vid. Aſcon. ad locum.

[*u*] Sed ubi periculum advenit, invidia atque ſuperbia poſt fuere. Sall. 23.

the whole Roman people [x]. He was the *onely new man* who had obtained this ſoverein dignity, or as he expreſſes it, *had forced the entrenchments of the Nobility for forty years paſt, from the firſt Conſulſhip of* C. MARIUS, *and the onely one likewiſe who had ever obtained it in his proper year, or without a repulſe* [y]. ANTONIUS was choſen his Collegue *by the majority of a few Centuries* above his friend and partner CATILINE; which was effected probably by CICERO's management, who conſidered him as the leſs dangerous and more tractable of the two.

CICERO's *Father died this year on the twenty fourth of November* [z] in a good old age, with the comfort to have ſeen his ſon advanced to the ſupreme honor of the City, and wanted nothing to complete the happineſs of his life, but the addition of one year more, to have made him a witneſs of the glory of his Conſulſhip. It was in this year alſo moſt probably, tho' ſome Critics ſeem to diſpute it, that CICERO gave his daughter TULLIA *in marriage at the age of thirteen to* C. PISO FRUGI, a young Nobleman of great hopes, and one of the beſt families in *Rome* [a]: it is certain at leaſt, that *his ſon was born* in this ſame year, as he expreſſly tells us, *in the Conſulſhip*

[x] Sed tamen magnificentius eſſe illo nihil poteſt, quod meis comitiis non tabellam vindicem tacitæ libertatis, ſed vocem vivam præ vobis indicem veſtrarum erga me voluntatum tuliſtis.——Itaque me non extrema tribus ſuffragiorum, ſed primi illi veſtri concurſus, neque ſingulæ voces præconum, ſed una voce univerſus populus Romanus Conſulem declaravit. De leg. Agrar. con. Rull. 2. 2. in Piſon. 1.

[y] Eum locum, quem nobilitas præſidiis firmatum, atque omni ratione obvallatum tenebat, me duce reſcidiſtis.——Me eſſe unum, ex omnibus novis hominibus, de quibus meminiſſe poſſumus, qui Conſulatum petierim, cum primum licitum ſit; Conſul factus ſim, cum primum petierim. De leg. Agrar. ib. 1, 2.

[z] Pater nobis deceſſit ad diem viii. Kal. Decemb. Ad Att. 1, 6.

[a] Tulliolam C. Piſoni, L. F. Frugi deſponsimus. Ib. 3. *If. Caſaubon*, rather than give up an Hypotheſis which he had formed about the earlier date of this letter, will hardly allow that *Tullia* was marriageable at this time, tho' *Cicero* himſelf expreſsly declares it. Vid. not. varior. in locum.

Conſulſhip of L. JULIUS CÆSAR *aud* C. MARCIUS FIGULUS [*b*]. So that with the higheſt honor which the public could beſtow, he received the higheſt pleaſure which private life ordinarily admits, by the birth of a ſon and heir to his family.

[*b*] L. Julio Cæſare & C. Marcio Figulo Coſſ. filiolo me auctum ſcito. ſalva Terentia. Ad Attic. 1. 2.





SECT. III.

CICERO was now arrived through the uſual gradation of honors, at the higheſt which the people could regularly give, or an honeſt Citizen deſire. The offices which he had already born had but a partial juriſdiction, confined to particular branches of the Government; but the Conſuls held the reins, and directed the whole machine with an authority as extenſive as the Empire itſelf [*a*]. The ſubordinate Magiſtracies therefore, being the ſteps onely to this ſoverein dignity, were not valued ſo much for their own ſake, as for bringing the candidates ſtill nearer to the principal object of their hopes, who through this courſe of their ambition were forced to practiſe all the arts of popularity;

[*a*] Omnes enim in Conſulis jure & imperio debent eſſe provinciæ. Philip. 4. 4. Tu ſummum imperium—gubernacula Reip.—Orbis terrarum imperium a pop. Romano petebas. Pro Mur. 35.

rity; to court the little as well as the great, to eſpouſe the principles and politics in vogue, and to apply their talents to conciliate friends, rather than to ſerve the public [*b*]. But the Conſulſhip put an end to this ſubjection, and with the command of the ſtate gave them the command of themſelves: ſo that the onely care left was, how to execute this high office with credit and dignity, and employ the power entruſted to them for the benefit and ſervice of their country.

We are now therefore to look upon CICERO in a different light, in order to form a juſt idea of his character: to conſider him, not as an ambitious Courtier, applying all his thoughts and pains to his own advancement; but as a great Magiſtrate and Stateſman, adminiſtring the affairs and directing the counſils of a mighty empire. And according to the accounts of all the ancient writers, *Rome* never ſtood in greater need of the ſkill and vigilance of an able Conſul than in this very year. For beſides the traiterous cabals and conſpiracies of thoſe who were attempting to ſubvert the whole Republic, the new Tribuns were alſo laboring to diſturb the preſent quiet of it: ſome of them were publiſhing laws *to aboliſh every thing that remained of* SYLLA's *eſtabliſhment, and to reſtore the ſons of the proſcribed to their eſtates and honors:* others, to reverſe the puniſhment of P. SYLLA and AUTRONIUS, *condemned for bribery, and replace them in the Senate* [*c*]: ſome were for *expunging all debts*, and others, *for dividing the lands of the public to the poorer citizens* [*d*]: ſo that, as CICERO declared both to the Senate

[*b*] Jam urbanam multitudinem, & eorum ſtudia, qui conciones tenent, adeptus es, in Pompeio orando, Manilii cauſa, recipienda, Cornelio defendendo, &c.——Nec tamen in petendo Reſpub. capeſſenda eſt, neque in Senatu, neque in concione: ſed hæc tibi retinenda, &c. De petitione Conſulat. 13.

[*c*] Pro Sylla, 22, 23.

[*d*] Dio, l. 37. p. 41.

Senate and the people, *the Republic was delivered into his hands full of terrors and alarms; diſtracted by peſtilent laws and ſeditious harangues; endangered, not by foreign wars, but inteſtine evils, and the traiterous deſigns of profligate Citizens; and that there was no miſchief incident to a State, which the honeſt had not cauſe to apprehend, the wicked to expect* [e].

WHAT gave the greater ſpirit to the authors of theſe attempts, was ANTONIUS's advancement to the Conſulſhip: they knew him to be of the ſame principles, and embarked in the ſame deſigns with themſelves, which by his authority they now hoped to carry into effect. CICERO was aware of this; and foreſaw the miſchief of a Collegue equal to him in power, yet oppoſite in views, and prepared to fruſtrate all his endeavours for the public ſervice: ſo that his firſt care, after their election, was to gain the confidence of ANTONIUS, and to draw him from his old engagements to the intereſts of the Republic; being convinced that all the ſucceſs of his adminiſtration depended upon it. He began therefore to tempt him by a kind of argument which ſeldom fails of it's effect with men of his character, the offer of power to his ambition, and of money to his pleaſures: with theſe baits he caught him; and a bargain was preſently agreed upon between them, that ANTONIUS ſhould have *the choice of the beſt Province which was to be aſſigned to them at the expiration of their year* [f]. It was the cuſtom for the Senate to appoint what particular Provinces were to be diſtributed every year to the ſeveral Magiſtrates, who uſed afterwards to caſt lots for them among

[e] De leg. Agrar. cont. Rull. 1. 8, 9: 2. 3.

[f] Collegam ſuum Antonium pactione provinciæ pepulerat, ne contra Rempublicam diſſentiret. Sall. bell. Cat. 26.

among themſelves; the Prætors for the Prætorian, the Conſuls for the Conſular Provinces. In this partition therefore, when MACEDONIA, one of the moſt deſirable governments of the Empire both for command and wealth, fell to CICERO's lot, he exchanged it immediately with his Collegue for *Ciſalpine Gaul*, which he reſigned alſo ſoon after in favor of Q. METELLUS; being reſolved, as he declared in his inauguration ſpeech, to adminiſter the Conſulſhip in ſuch a manner, *as to put it out of any man's power either to tempt or terrify him from his duty; ſince he neither ſought, nor would accept any province, honor, or benefit from it whatſoever; the onely way*, ſays he, *by which a man can diſcharge it with gravity and freedom; ſo as to chaſtiſe thoſe Tribuns who wiſh ill to the Republic, or deſpiſe thoſe who wiſh ill to himſelf* [*g*]: a noble declaration, and worthy to be tranſmitted to poſterity for an example to all magiſtrates in a free State. By this addreſs he intirely drew ANTONIUS into his meaſures, and had him ever after obſequious to his will [*h*]; or, as he himſelf expreſſes it, *by his patience and complaiſance he ſoftened and calmed him, eagerly deſirous of a Province, and projecting many things againſt the State* [*i*]. The eſtabliſhment of this concord between them was thought to be of ſuch importance to the public quiet, that in his firſt ſpeech to the people, he declared it to them from the *Roſtra*, as an event the moſt likely to curb the inſolence of the factious, and raiſe the ſpirits of the honeſt,

[*g*] Cum mihi deliberatum & conſtitutum ſit, ita gerere Conſulatum, quo uno modo geri graviter & libere poteſt, ut neque provinciam, neque honorem, neque ornamentum aliquod, aut commodum—appetiturus ſim.——Sic me geram, ut poſſim Tribunum pleb. Reipub. iratum coercere, mihi iratum contemnere. Contra Rull. 1. 8.

[*h*] Plutarch in his life.

[*i*] In Piſon. 2.

honeſt, and prevent the dangers with which the City was then threatened [*k*].

THERE was another project likewiſe which he had much at heart, and made one of the capital points of his adminiſtration, *to unite the Equeſtrian order with the Senate into one common party and intereſt.* This body of men, next to the Senators, conſiſted of the richeſt and moſt ſplendid families of *Rome*, who from the eaſe and affluence of their fortunes were naturally well-affected to the proſperity of the Republic; and being alſo the conſtant farmers of all the revenues of the Empire, had a great part of the inferior people dependent upon them. CICERO imagined, that the united weight of theſe two orders would always be an over-balance to any other power in the State, and a ſecure barrier againſt any attempts of the popular and ambitious upon the common liberty [*l*]. He was the onely man in the city capable of effecting ſuch a coalition, being now at the head of the Senate, yet the darling of the Knights; who conſidered him as the pride and ornament of their order, whilſt he, to ingratiate himſelf the more with them, affected always in public to boaſt of that extraction, and to call himſelf an *Equeſtrian*; and made it his ſpecial care to protect them in all their affairs, and to advance their credit and intereſt: ſo that, as ſome writers tell us, *it was the authority of his Conſulſhip that firſt diſtinguiſhed and eſtabliſhed them into a third order of the State* [*m*]. The policy was certainly

[*k*] Quod ego & concordiâ, quam mihi conſtitui cum collega, invitiſſimis iis hominibus, quos in Conſulatu inimicos eſſe & animis & corporis actibus providi, omnibus proſpexi ſane, &c. Con. Rull. 2. 37.

[*l*] Ut multitudinem cum Principibus, Equeſtrem ordinem cum Senatu conjunxerim. In Piſon. 3. Neque ulla vis tanta reperietur, quæ conjunctionem veſtram, Equitumque Romanorum, tantamque conſpirationem bonorum omnium perfringere poſſit. In Catil. 4. 10.

[*m*] Cicero demum ſtabilivit Equeſtre nomen in Conſulatu ſuo? ei Senatum concilians, ex eo ſe ordine profectum celebrans, & ejus vires

certainly very good, and the Republic reaped great benefit from it in this very year; through which he had the whole body of Knights at his devotion; *who, with* ATTICUS *at their head, conſtantly attended his orders, and ſerved as a guard to his perſon* [n]: and if the ſame maxim had been purſued by all ſucceding Conſuls, it might probably have preſerved, or would certainly at leaſt have prolonged, the liberty of the Republic.

HAVING laid this foundation for the laudable diſcharge of his Conſulſhip, he took poſſeſſion of it, as uſual, on the firſt of *January*. A little before his inauguration, P. SERVILIUS RULLUS, one of the new Tribuns, who entered always into their office *on the tenth of December*, had been alarming the Senate with *the promulgation of an Agrarian law*. Theſe laws uſed to be greedily received by the populace, and were propoſed therefore by factious Magiſtrates, as oft as they had any point to carry with the multitude againſt the public good: but this law was of all others the moſt extravagant; and, by a ſhew of granting more to the People, than had ever been given before, ſeemed likely to be accepted. The purpoſe of it was, *to create a Decemvirate, or ten commiſſioners, with abſolute power for five years over all the revenues of the Republic; to diſtribute them at pleaſure to the Citizens; to ſell and buy what lands they thought fit; to determine the rights of the preſent poſſeſſors; to require an account from all the Generals abroad, excepting* POMPEY, *of the ſpoils taken in their wars; to ſettle colonies whereſoever*

vires peculiari popularitate quærens: ab illo tempore plane hoc tertium corpus in Repub. factum eſt, cœpitque adjici Senatui populoque Romano Equeſter ordo. Plin. Hiſt. N. l. 33. 2.

[n] Vos, Equites Romani, videte, ſcitis me ortum e vobis, omnia ſemper ſenſiſſe pro vobis, &c. Pro Rabir. Poſt. 6. Nunc vero cum equitatus ille, quem ego in Clivo Capitolino, te ſignifero ac principe, collocaram, Senatum deſeruerit. Ad Att. 2. 1.

they judged proper; *and particularly at* Capua; *and in ſhort, to command all the money and forces of the empire.*

THE publication of a law, conferring powers ſo exceſſive, gave a juſt alarm to all, who wiſhed well to the public tranquillity: ſo that CICERO's firſt buſineſs was, to quiet the apprehenſions of the City, and to exert all his art and authority, to baffle the intrigues of the Tribun. As ſoon therefore as he was inveſted with his new dignity, he raiſed the ſpirits of the Senate, *by aſſuring them of his reſolution to oppoſe the law, and all it's abettors, to the utmoſt of his power; nor to ſuffer the State to be hurt, or it's liberties to be impaired, while the adminiſtration continued in his hands.* From the Senate he purſued the Tribun into his own dominion, the Forum; where in an artful and elegant ſpeech from the *Roſtra*, he gave ſuch a turn to the inclination of the people, *that they rejected this Agrarian law with as much eagerneſs, as they had ever before received one* [*o*].

HE began, "by acknowledging the extraordinary ob-
"ligations, which he had received from them, in prefe-
"rence and oppoſition to the Nobility; declaring him-
"ſelf the creature of their power, and of all men the
"moſt engaged to promote their intereſts; that they
"were to look upon him, as the truly popular magi-
"ſtrate; nay, that he had declared even in the Senate,
"that he would be the people's Conſul [*p*]." He then fell into a *commendation of the* GRACCHI, whoſe name was extremely dear to them; profeſſing, "that he could not
"be againſt all Agrarian laws, when he recollected,
"that thoſe two moſt excellent men, who had the
"greateſt

[*o*] Quis unquam tam fecunda concione legem Agrariam ſuaſit, quam ego diſſuaſi? Contra Rullum, 2. 37.

[*p*] Ibid. 3.

" greateſt love for the Roman people, had divided the
" public lands to the Citizens; that he was not one of
" thoſe Conſuls, who thought it a crime, to praiſe the
" GRACCHI; on whoſe counſils, wiſdom, laws, many
" parts of the preſent government were founded [*q*]:
" that his quarrel was to this particular law; which, in-
" ſtead of being popular, or adapted to the true inter-
" eſts of the City, was in reality the eſtabliſhment of a
" Tyranny, and a creation of ten Kings to domineer
" over them." This he diſplays at large, from the natural effect of that power which was granted by it [*r*]; and procedes to inſinuate, *that it was covertly levelled againſt their favorite* POMPEY; *and particularly contrived to retrench and inſult his authority:* " Forgive me,
" Citizens, ſays he, for my calling ſo often upon ſo great
" a name: you yourſelves impoſed the taſk upon me,
" when I was Prætor, to join with you in defending his
" dignity as far as I was able: I have hitherto done all,
" that I could do; not moved to it by my private
" friendſhip for the man, nor by any hopes of honor,
" or of this ſupreme magiſtracy, which I obtained
" from you, tho' with his approbation, yet without his
" help. Since then I perceive this law to be deſigned,
" as a kind of engine, to overturn his power, I will re-
" ſiſt the attempts of theſe men; and as I my ſelf
" clearly ſee what they are aiming at, ſo I will take
" care, that you alſo ſhall ſee, and be convinced of it
" too [*s*]." He then ſhews, " how the law, tho' it
" excepted POMPEY from being accountable to the
" Decemvirate, yet excluded him from being one of
" the number; by limiting the choice to thoſe, who were

 " preſent

[*q*] Ib. 5. [*r*] Ib. 6, 11, 13, 14. [*s*] Ib. 18.

" preſent at *Rome*; that it ſubjected likewiſe to their " juriſdiction the countries juſt conquered by him, which " had always been left to the management of the Ge- " neral [*t*]:" Upon which he draws a pleaſant picture " of the Tribun RULLUS, with all his train of Officers, " Guards, Lictors, and Apparitors [*u*], ſwaggering in " MITHRIDATES's kingdom, and ordering POMPEY to " attend him, by a mandatory letter, in the following " ſtrain:

" P. SERVILIUS RULLUS, Tribun of the people, De- " cemvir, to CNÆUS POMPEY the ſon of CNÆUS, greet- " ing.

" HE will not add, ſays he, the title of *Great*, when " he has been laboring to take it from him by law [*x*].

" *I require you, not to fail to come preſently to* Sinope, " *and bring me a ſufficient guard with you, while I ſell* " *thoſe lands by my law, which you have gained by your* " *valor.*

HE obſerves, " that the reaſon of excepting POMPEY " was not from any reſpect to him, but for fear, that " he would not ſubmit to the indignity of being ac- " countable to their will: but POMPEY, ſays he, is a " man of that temper, that he thinks it his duty to bear, " whatever you pleaſe to impoſe; but if there be any " thing, which you cannot bear yourſelves, he will take " care, that you ſhall not bear it long againſt your " wills [*y*]." He proceeds to enlarge upon " the dan- " gers, which this law threatened to their liberties: that " inſtead of any good intended by it to the body of the " Citizens, it's purpoſe was, to erect a power for the " oppreſſion of them; and on pretence of planting co- " lonies

[*t*] Ib. 19. [*u*] Ib. 13. [*x*] Ib. 20. [*y*] Ib. 23.

" lonies in *Italy* and the Provinces, to ſettle their own " creatures and dependents, like ſo many garriſons in " all the convenient poſts of the Empire, to be ready " on all occaſions to ſupport their tyranny: that *Capua* " was to be their head-quarters; their favorite colony; " of all Cities the proudeſt, as well as the moſt hoſtile " and dangerous; in which the wiſdom of their anceſ- " tors would not ſuffer the ſhadow of any power or " magiſtracy to remain; yet now it was to be cheriſhed " and advanced to another *Rome* [z]: that by this law, " the lands of *Campania* were to be ſold or given away; " the moſt fruitful of all *Italy*; the ſureſt revenue of " the Republic; and their conſtant reſource when all " other rents failed them; which neither the GRACCHI, " who of all men ſtudied the people's benefit the moſt, " nor SYLLA, who gave every thing away without ſcru- " ple, durſt venture to meddle with [a]." In the con- cluſion he takes notice " of the great favor and appro- " bation, with which they had heard him, as a ſure " omen of their common peace and proſperity; and ac- " quaints them with the concord, that he had eſtabliſhed " with his Collegue, as a piece of news of all others the " moſt agreeable; and promiſes all ſecurity to the Re- " public, if they would but ſhew the ſame good diſpo- " ſition on future occaſions, which they had ſignified " on that day; and that he would make thoſe very " men, who had been the moſt envious and averſe to " his advancement, confeſs, that the people had ſeen " farther, and judged better than they, in chuſing him " for their Conſul.

IN

[z] Ibid. 28, 32. [a] Ibid. 29.

In the courſe of this conteſt, he often called upon the Tribuns, *to come into the Roſtra, and debate the matter with him before the people* [*b*]; but they thought it more prudent to decline the challenge, and to attack him rather by fictitious ſtories and calumnies, ſedulouſly inculcated into the multitude; *that his oppoſition to the law flowed from no good will to them, but an affection to* Sylla's *party; and to ſecure to them the lands, which they poſſeſſed by his grant; that he was making his court by it to the ſeven Tyrants, as they called ſeven of the principal Senators, who were known to be the greateſt favorers of* Sylla's *cauſe, and the greateſt gainers by it; the two* Lucullus's, Crassus, Catulus, Hortensius, Metellus, Philippus. Theſe inſinuations made ſo great an impreſſion on the City, that he found it neceſſary, to defend himſelf againſt them *in a ſecond ſpeech to the people* [*c*]; in which he declared, "that he looked upon "that law, which ratified all Sylla's acts, to be of all "laws the moſt wicked, and the moſt unlike to a true "law, as it eſtabliſhed a tyranny in the City; yet that "it had ſome excuſe from the times; and, in their preſent circumſtances, ſeemed proper to be ſupported; "eſpecially by him, who for this year of his Conſulſhip "profeſſed himſelf the patron of peace [*d*]; but that it "was the height of impudence in Rullus, to charge "him with obſtructing their intereſts for the ſake of "Sylla's grant,s when the very law, which that Tribun "was then urging, actually eſtabliſhed and perpetuated "thoſe grants; and ſhewed itſelf to be drawn by a ſon

"in

[*b*] Si veſtrum commodum ſpectat, veniat & coram mecum de agri Campani diviſione diſputet. Con. Rull. 2. 28. Commodius feciſſent Tribuni plebis, Quirites, ſi, quæ apud vos de me deferunt, ea coram potius me præſente dixiſſent. Con. Rull. 3. 1.

[*c*] Ibid.

[*d*] Ibid. 3. 2.

" in law of VALGIUS, who poſſeſſed more lands than " any other man by that invidious tenure, which were " all by this law to be partly confirmed, and partly pur- " chaſed of him [*e*]." This he demonſtrates from the expreſs words of the law, " which he had ſtudiouſly " omitted, he ſays, to take notice of before, that he " might not revive old quarrels, or move any argument " of new diſſenſion in a ſeaſon ſo improper [*f*]: that " RULLUS therefore, who accuſed him of defending " SYLLA's acts, was of all others the moſt impudent " defender of them, for none had ever affirmed them " to be good and legal, but to have ſome plea onely " from poſſeſſion and the public quiet; but by this law " the eſtates, that had been granted by them were to be " fixed upon a better foundation and title, than any " other eſtates whatſoever." He concludes, " by renew- " ing his challenge to the Tribuns, to come and diſpute " with him to his face." But after ſeveral fruitleſs at- tempts, finding themſelves wholly unable to contend with him, they were forced at laſt to ſubmit, and to let the affair drop, to the great joy of the Senate.

THIS alarm being over, another accident broke out, which might have endangered the peace of the City, if the effects of it had not been prevented by the authority of CICERO. OTHO's *law*, mentioned above, for the aſ- ſignment *of ſeparate ſeats to the Equeſtrian order*, had highly offended the people; who could not digeſt the indignity of being thruſt ſo far back from their diver- ſions; and while the grudge was ſtill freſh, OTHO hap- pening to come into the theater, was received by the populace with *an univerſal hiſs*, but by the Knights *with*

[*e*] Ibid. 3. 1, 4. [*f*] Ibid. 3. 2.

with loud applauſe and clapping: both ſides redoubled their clamor with great fierceneſs, and from reproaches were proceding to blows; till CICERO, informed of the tumult, came immediately to the Theater, and calling the people out into the temple of BELLONA, *ſo tamed and ſtung them by the power of his words, and made them ſo aſhamed of their folly and perverſeneſs, that, on their return to the Theater, they changed their hiſſes into applauſes, and vied with the Knights themſelves in demonſtrations of their reſpect to* OTHO [*g*]. The ſpeech was ſoon after publiſhed; tho' from the nature of the thing it muſt have been made upon the ſpot, and flowed extempore from the occaſion: and as it was much read and admired for ſeveral ages after, as a memorable inſtance of CICERO's *command over men's paſſions*, ſo ſome have imagined it to be alluded to in that beautifull paſſage of VIRGIL [*h*]:

Ac veluti magno in populo cum ſæpe coörta eſt
Seditio, ſævitque animis ignobile vulgus;
Jamque faces & ſaxa volant, furor arma miniſtrat:
Tum pietate gravem & meritis ſi forte virum quem
Aſpexêre, ſilent, arrectiſque auribus adſtant;
Ille regit dictis animos, & pectora mulcet.

VIRG. Æn. 1. 152.

As when ſedition fires th'ignoble croud,
And the wild rabble ſtorms and thirſts for blood;
Of ſtones and brands a mingled tempeſt flies,
With all the ſudden arms, that rage ſupplies:

If

[*g*] *Plutarch*'s life of *Cic.*

[*h*] Sebaſt. Corradi Quæſtura, p. 133, Æneid. 1. 152. What gives the greater color to this imagination is, that *Quintilian* applies theſe lines to his character of a complete Orator, which he profeſſedly forms upon the model of *Cicero*. Lib. 12. 1.

If ſome grave ſire appears amidſt the ſtrife,
In morals ſtrict and innocence of life,
All ſtand attentive, while the ſage controuls
Their wrath, and calms the tempeſt of their ſouls.
Mr. PITT.

ONE topic, which CICERO touched in this ſpeech, and the onely one, of which we have any hint from antiquity, was, to reproach the rioters for their want of taſt and good ſenſe, *in making ſuch a diſturbance while* ROSCIUS *was acting* [*i*].

THERE happened about the ſame time a third inſtance, not leſs remarkable, of CICERO's great power of perſuaſion: SYLLA had by an expreſs law *excluded the children of the proſcribed, from the Senate and all public honors*; which was certainly an act of great violence, and *the decree rather of a Tyrant, than the law of a free State* [*k*]: So that the perſons injured by it, who were many, and of great families, were now making all their efforts to get it reverſed. Their petition was highly equitable; but, from the condition of the times, as highly unſeaſonable; for in the preſent diſorders of the City, the reſtoration of an oppreſſed party muſt needs have added ſtrength to the old factions; ſince the firſt uſe, that they would naturally make of the recovery of their power, would be, to revenge themſelves on their oppreſſors, It was CICERO's buſineſs therefore, to prevent that inconvenience; and, as far as it was poſſible, with the conſent of the ſufferers themſelves: on which occaſion *this great commander of the human affections*, as QUINTILIAN calls him, found means, to perſuade thoſe unfortunate men, *that to bear*

[*i*] Macrob. Saturn. 2. 10.
[*k*] Excluſique paternis opibus liberi etiam petendorum honorum jure prohiberentur. Vell. Pat. 2. 28.

their injury was their benefit; and that the government itself could not ſtand, if SYLLA*'s laws were then repealed, on which the quiet and order of the Republic were eſtabliſhed*; acting herein the part of a wiſe ſtateſman, who will oft be forced to tolerate, and even maintain, what he cannot approve, for the ſake of the common good; agreeably to what he lays down in his book of *Offices*; that *many things which are naturally right and juſt, are yet by certain circumſtances and conjunctures of times made diſhoneſt and unjuſt* [*l*]. As to the inſtance before us, he declared in a ſpeech made ſeveral years after, *that he had excluded from honors a number of brave and honeſt young men, whom fortune had thrown into ſo unhappy a ſituation, that if they had obtained power, they would probably have employed it to the ruin of the ſtate* [*m*]. The three caſes juſt mentioned make PLINY break out into a kind of rapturous admiration of the man, *who could perſuade the people, to give up their bread, their pleaſure, and their injuries, to the charms of his eloquence* [*n*].

THE next tranſaction of moment, in which he was engaged, was the defenſe of C. RABIRIUS; an aged Senator, accuſed by T. LABIENUS, one of the Tribuns, of *treaſon* or *rebellion*, for having *killed* .L SATURNINUS, *a Tribun, about forty years before, who had raiſed a dangerous ſedition in the City*. The fact, if it had been true, was not onely legal, but laudable; being done in obedience to a decree of the Senate, by which all the Citizens were required to take arms, in aid of the Conſuls C. MARIUS and L. FLACCUS.

BUT

[*l*] Sic multa, quæ honeſta natura videntur eſſe, temporibus fiunt non honeſta. De Offic. 3. 25.

[*m*] Ego adoleſcentes fortes & bonos, ſed uſos ea conditione fortunæ, ut, ſi eſſent magiſtratus adepti, Reipub. ſtatum convulſuri viderentur——comitiorum ratione privavi. In Piſon. 2.

[*n*] Quo te, M. Tulli, piaculo taceam? &c. Plin. Hiſt. l. 7. 30.

BUT the puniſhment of RABIRIUS was not the thing aimed at; nor the life of an old man worth the pains of diſturbing the peace of the City: the deſign was, to attack *that prerogative of the Senate*, by which, in the caſe of a ſudden tumult, they could arm the City at once, by requiring *the Conſuls to take care, that the Republic received no detriment* ;which vote was ſuppoſed to give a ſanction to every thing, that was done in conſequence of it; ſo that ſeveral traiterous magiſtrates had been cut off by it, without the formalities of a trial, in the act of ſtirring up ſedition. This practiſe, tho' in uſe from the earlieſt times, had always been complained of by the Tribuns, as an infringement of the conſtitution; by giving to the Senate an arbitrary power over the lives of Citizens; which could not legally be taken away without a hearing and judgement of the whole people. But the chief grudge to it was, from it's being a perpetual check to the deſigns of the ambitious and popular, who aſpired to any power not allowed by the laws: it was not difficult for them to delude the multitude; but the Senate was not ſo eaſily managed; who, *by that ſingle vote of committing the Republic to the Conſuls*, could fruſtrate at once all the effects of their popularity, when carried to a point, which was dangerous to the State; for ſince in virtue of it, the *Tribuns* themſelves, whoſe perſons were held ſacred, might be taken off without ſentence or trial, when engaged in any traiterous practices, all attempts of that kind muſt neceſſarily be hazardous and deſperate.

THIS point therefore was to be tried on the perſon of RABIRIUS, in whoſe ruin the factious of all ranks were intereſted. J. CÆSAR ſuborned LABIENUS to proſecute him; and procured himſelf to be appointed one of the

Duumviri; or the *two Judges* allotted by the Prætor to ſit upon trials of treaſon [*o*]. HORTENSIUS pleaded his cauſe, and proved by many witneſſes, *that the whole accuſation was falſe; and that* SATURNINUS *was actually killed by the hand of a ſlave, who for that ſervice obtained his freedom from the public* [*p*]. CÆSAR however eagerly condemned the old man; who appealed from his ſentence to the people; where *nothing*, ſays SUETONIUS, *did him ſo much ſervice, as the partial and forward ſeverity of his judge* [*q*].

THE Tribuns in the mean while employed all their power to deſtroy him; and LABIENUS *would not ſuffer* CICERO, *to excede half an hour in his defenſe* [*r*]; and, to raiſe the greater indignation againſt the criminal, *expoſed the picture of* SATURNINUS *in the Roſtra, as of one who fell a martyr to the liberties of the people.* CICERO opened the defenſe with great gravity; declaring, "that "in the memory of man, there had not been a cauſe of "ſuch importance, either undertaken by a Tribun, or "defended by a Conſul: that nothing leſs was meant "by it, than that for the future, there ſhould be no "Senate or public Council in the City; no conſent and "concurrence of the honeſt againſt the rage and raſh-"neſs of the wicked; no reſource or refuge in the ex-"treme dangers of the Republic [*s*].----He implores the "favor of all the Gods, by whoſe providence their City "was more ſignally governed than by any wiſdom of "man, to make that day propitious to the ſecurity of "the ſtate, and to the life and fortunes of an innocent man."----And having poſſeſſed the minds of his audi-

ence

[*o*] Sueton. vit. J. Cæſ. 12. Dio, p. 42.
[*p*] Pro Rabir. 6, 11.
[*q*] Ut ad populum provocanti nihil æque ac judicis acerbitas profuit. Sueton. ib. 12.
[*r*] Pro Rabir. 2.
[*s*] Ibid.

ence with the ſanctity of the cauſe, he proceedes boldly to wiſh, " that he had been at liberty to confeſs, what " HORTENSIUS indeed had proved to be falſe, that " SATURNINUS, the enemy of the Roman people, was " killed by the hand of RABIRIUS [*t*]----that he ſhould " have proclamed and bragged of it, as an act that " merited rewards, inſtead of puniſhment."----Here he was interrupted by the clamor of the oppoſite faction; but he obſerves it to be " the faint effort of a ſmall part " of the aſſembly; and that the body of the people, " who were ſilent, would never have made him their Con- " ſul, if they had thought him capable of being diſturbed " by ſo feeble an inſult; which he adviſed them to " drop, ſince it betrayed onely their folly and the infe- " riority of their numbers."-----The aſſembly being quieted, he goes on to declare, " that tho' RABIRIUS did " not kill SATURNINUS, yet he took arms with intent to " kill him, together with the Conſuls and all the beſt " of the City; to which his honor, virtue, and duty " called him."----He puts LABIENUS in mind, " that he " was too young to be acquainted with the merits of " that cauſe; that he was not born when SATURNINUS " was killed, and could not be apprized how odious " and deteſtable his name was to all people: that ſome " had been baniſhed for complaining onely of his death; " others for having a picture of him in their houſes [*u*]: " that he wondered therefore where LABIENUS had pro- " cured that picture, which none durſt venture to keep " even at home; and much more, that he had the har- " dineſs to produce, before an aſſembly of the people, " what had been the ruin of other men's fortunes-------

" that

[*t*] Ibid. 6.

[*u*] Ibid. 9,

" that to charge RABIRIUS with this crime, was to con-
" demn the greateſt and worthieſt Citizens, whom *Rome*
" had ever bred; and tho' they were all dead, yet the
" injury was the ſame, to rob them of the honor due to
" their names and memories.------Would C. MARIUS,
" ſays he, have lived in perpetual toils and dangers, if
" he had conceived no hopes concerning himſelf and his
" glory beyond the limits of this life? When he defeat-
" ed thoſe innumerable enemies in *Italy*, and ſaved the
" Republic, did he imagine that every thing, which re-
" lated to him, would die with him? No; it is not ſo,
" Citizens; there is not one of us, who exerts himſelf
" with praiſe and virtue in the dangers of the Republic,
" but is induced to it by the expectation of a futurity.
" As the minds of men therefore ſeem to be divine and
" immortal for many other reaſons, ſo eſpecially for
" this, that in all the beſt and the wiſeſt there is ſo
" ſtrong a ſenſe of ſomething hereafter, that they ſeem
" to reliſh nothing, but what is eternal. I appeal then
" to the ſouls of C. MARIUS, and of all thoſe wiſe and
" worthy Citizens, who, from this life of men, are
" tranſlated to the honors and ſanctity of the Gods; I
" call them, I ſay, to witneſs, that I think myſelf bound
" to fight for their fame, glory, and memory, with as
" much zeal, as for the altars and temples of my coun-
" try; and if it were neceſſary to take arms in defenſe
" of their praiſe, I ſhould take them as ſtrenuouſly, as
" they themſelves did, for the defenſe of our common
" ſafety &c. [*x*].

AFTER this ſpeech, the people were to paſs judgement on RABIRIUS, by the ſuffrages of all the centuries: but there

[*x*] Ibid. 10.

there being reaſon to apprehend ſome violence and foul play from the intrigues of the Tribuns, METELLUS, *the Augur and Prætor* of that year, contrived to diſſolve the aſſembly by a ſtratagem before they came to a vote [*y*]: and the greater affairs that preſently enſued, and engaged the attention of the City, prevented the farther proſecution and revival of the cauſe.

BUT CÆSAR was more ſucceſsfull in another caſe, in which he was more intereſted; his ſuit for *the High Prieſthood*; a poſt of the firſt dignity in the Republic, vacant by the death of METELLUS PIUS. LABIENUS opened his way to it by the publication *of a new law, for transferring the right of electing from the college of Prieſts to the people*, agreeably to the tenor of a former law, which had been repealed by SYLLA. CÆSAR's ſtrength lay in the favor of the populace; which by immenſe bribes and the profuſion of his whole ſubſtance he had gained on this occaſion ſo effectually, that he carried this high office, before he had yet been *Prætor*, againſt *two Conſular competitors*, of the firſt authority in *Rome*, Q. CATULUS and P. SERVILIUS ISAURICUS; the one of whom had been *Cenſor*, and then bore the title of *Prince of the Senate*; and the other been honored with *a Triumph*: yet he procured *more votes againſt them even in their own tribes, than they both had out of the whole number of the Citizens* [*z*].

CATILINE was now renewing his efforts for the Conſulſhip with greater vigor than ever; and by ſuch open methods of bribery, that CICERO publiſhed *a new law* againſt it, with *the additional penalty of a ten year's exil,*

[*y*] Dio, l. 37, 42.

[*z*] Ita potentiſſimos duos competitores, multumque & ætate & dignitate antecedentes, ſuperavit; ut plura ipſe in eorum tribubus ſuffragia, quam uterque in omnibus tulerit. Suet. J. Cæſ. 13. Vide Pigh. Annal.

exil; prohibiting likewiſe *all ſhews of Gladiators within two years from the time of ſuing for any magiſtracy, unleſs they were ordered by the will of a perſon deceaſed, and on a certain day therein ſpecified* [*a*]. CATILINE, who knew the law to be levelled at himſelf, formed a deſign to kill CICERO, with ſome other chiefs of the Senate [*b*], on the day of election, which was appointed for *the twentieth of October*; but CICERO gave information of it to the Senate the day before; upon which the election was deferred, that they might have time to deliberate on an affair of ſo great importance: and the day following, in a full houſe, *he called upon* CATILINE *to clear himſelf* of this charge: where without either denying or excuſing it, he bluntly told them, that *there were two bodies in the Republic*, meaning the Senate and the People, *the one of them infirm with a weak head, the other firm without a head; which laſt had ſo well deſerved of him, that it ſhould never want a head while he lived.* He had made a declaration of the ſame kind, and in the ſame place a few days before; when upon CATO's *threatening him with an impeachment*, he fiercely replied, *that if any flame ſhould be excited in his fortunes, he would extinguiſh it, not with water, but a general ruin*]*c*].

THESE declarations ſtartled the Senate; and convinced them that nothing but a deſperate conſpiracy, ripe for execution, could inſpire ſo daring an aſſurance: ſo that they proceeded immediately to that decree, which was the uſual refuge in all caſes of imminent danger, of order-

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[*a*] Pro Muren. 23. in Vatin. 15.

[*b*] Dio. l. 37. 43.

[*c*] Tum enim dixit, duo corpora eſſe Reipub. unum debile, infirmo capite; alterum firmum, ſine capite: huic, cum ita de ſe meritum eſſet, caput, ſe vivo, non defuturum. ——Cum idem ille paucis diebus ante Catoni, judicium minitanti, reſpondiſſet, Si quod eſſet in ſuas fortunas incendium excitatum, id ſe non aqua, ſed ruina reſtincturum. Pro Muren. 25.

ing *the Conſuls to take care, that the Republic received no harm* [*d*]. Upon this CICERO doubled his guard, and called ſome troops into the city; and when the election of Conſuls came on, that he might imprint a ſenſe of his own and of the public danger the more ſtrongly, he took occaſion, *to throw back his gown in the view of the people, and diſcovered a ſhining breaſt-plate*, which he wore under it [*e*]: by which precaution, as he told CATILINE afterwards to his face, he prevented his deſign of killing *both him, and the competitors for the Conſulſhip*, of whom D. JUNIUS SILANUS and L. LICINIUS MURENA were declared Conſuls elect [*f*].

CATILINE thus a ſecond time repulſed, and breathing nothing but revenge, was now eager and impatient to execute his grand plot: he had no other game left; his ſchemes were not onely ſuſpected, but actually diſcovered by the ſagacity of the Conſul, and himſelf ſhunned and deteſted by all honeſt men; ſo that he reſolved without farther delay, to put all to the hazard of ruining either his country or himſelf. He was ſingularly formed both by art and nature for the head of a deſperate conſpiracy; of an illuſtrious family, ruined fortunes, profligate mind, undaunted courage, unwearied induſtry; of a capacity equal to the hardieſt attempt; *with a tongue that could explane, and a hand that could execute it* [*g*]. CICERO gives us his juſt character in many parts of his works; but in none, a more lively picture of him than in the following paſſage [*b*]:

[*d*] Sall. bell. Catil. 29. Plutarch. Cic.

[*e*] Deſcendi in campum——cum illa lata inſignique lorica——ut omnes boni animadverterent, & cum in metu & periculo Conſulem viderent, id quod factum eſt, ad opem præſidiumque meum concurrerent. Pro Muren. 26.

[*f*] Cum proximis comitiis conſularibus me Conſulem in campo & competitores tuos, interficere voluiſti, compreſſi conatus tuos nefarios amicorum præſidio. In Cat, 1. 5.

[*g*] Erat ei conſilium ad facinus aptum: conſilio autem neque lingua, neque manus deerat. In Cat. 3. 7.

[*b*] Pro Cæl. 5, 6.

" He had in him, ſays he, many, tho' not expreſs " images, yet ſketches of the greateſt virtues; was ac- " quainted with a great number of wicked men, yet a " pretended admirer of the virtuous. His houſe was fur- " niſhed with a variety of temptations to luſt and lewd- " neſs; yet with ſeveral incitements alſo to induſtry and " labor, it was a ſcene of vicious pleaſures; yet a ſchool " of martial exerciſes. There never was ſuch a monſter " on earth; compounded of paſſions ſo contrary and " oppoſite. Who was ever more agreeable at one time " to the beſt citizens? who more intimate at another " with the worſt? who a man of better principles? " who a fouler enemy to this city? who more intem- " perate in pleaſure; who more patient in labor? who " more rapacious in plundering? who more profuſe in " ſquandering? He had a wonderfull faculty of engaging " men to his friendſhip, and obliging them by his ob- " ſervance, ſharing with them in common whatever he " was maſter of; ſerving them with his money, his in- " tereſt, his pains, and, when there was occaſion, by ", the moſt daring acts of villainy; moulding his nature " to his purpoſes, and bending it every way to his will. " With the moroſe, he could live ſeverely; with the free, " gayly; with the old, gravely; with the young, chear- " fully; with the enterprizing, audaciouſly; with the " vicious, luxurioufly. By a temper ſo various and pli- " able, he gathered about him the profligate and the raſh " from all countries, yet held attached to him at the " ſame time many brave and worthy men, by the ſpe- " cious ſhew of a pretended virtue.

With theſe talents, if he had obtained the Conſulſhip, and with it the command of the armies and provinces of

the Empire, he would probably, like another CINNA, have made himſelf the tyrant of his country: but deſpair and impatience, under his repeated diſappointments, hurried him on to the mad reſolution, of extorting by force, what he could not procure by addreſs. His ſcheme however was not without a foundation of probability; and there were ſeveral reaſons for thinking the preſent time the moſt ſeaſonable for the execution of it. *Italy* was drained in a manner of regular troops; POMPEY at a great diſtance with the beſt army of the Empire; and his old friend ANTONIUS, on whoſe aſſiſtance he ſtill depended [*i*], was to have the command of all the forces that remained. But his greateſt hopes lay in SYLLA's veteran ſoldiers; whoſe cauſe he had always eſpouſed, and among whom he had been bred; who, to the number of about a hundred thouſand, were ſettled in the ſeveral diſtricts and colonies of *Italy*, in the poſſeſſion of lands aſſigned to them by SYLLA; which the generality had waſted by their vices and luxury, and wanted another civil war to repair their ſhattered fortunes. Among theſe he employed his agents and officers in all parts, to debauch them to his ſervice; and in *Etruria*, had actually enrolled a conſiderable body, and formed them into a little army under the command of MANLIUS, a bold and experienced Centurion, who waited onely for his orders to take the field [*k*]. We muſt add to this, what all writers mention, the univerſal diſaffection and diſcontent, which poſſeſſed all ranks of the City, but eſpecially the meaner ſort; who from the uneaſineſs of their circumſtances, and the preſſure of their debts, wiſhed for

[*i*] Inflatum tum ſpe militum, tum collegæ mei, ut ipſe dicebat, promiſſis. Pro Muren. 23.

[*k*] Caſtra ſunt in Italia contra Rempub. in *Etruriæ* faucibus collocata. In Cat. 1. 2. it. 2. 6.

a change of government: ſo that if CATILINE had gained any little advantage at ſetting out, or come off but equal in the firſt battle, there was reaſon to expect a general declaration in his favor [*l*].

HE called a council therefore of all the conſpirators, to ſettle the plan of their work, and divide the parts of it among themſelves, and fix a proper day for the execution. There were about *thirty five*, whoſe names are tranſmitted to us as principals in the plot; partly of the *Senatorian*, partly of the *Equeſtrian* order; with many others from the colonies and municipal towns of *Italy*; men of families and intereſt in their ſeveral countries. The Senators were P. CORNELIUS LENTULUS, C. CETHEGUS, P. AUTRONIUS, L. CASSIUS LONGINUS, P. SYLLA, SERV. SYLLA, L. VARGUNTEIUS, Q. CURIUS, Q. ANNIUS, M. PORCIUS LECCA, L. BESTIA [*m*].

LENTULUS was deſcended from a Patrician branch of the *Cornelian* family; one of the moſt numerous, as well as the moſt ſplendid in *Rome*. His grandfather had born the title of *Prince of the Senate*; and was the moſt active in the purſuit and deſtruction of C. GRACCHUS, in which he received a dangerous wound [*n*]. The grandſon, by the favor of his noble birth, had been advanced to the Conſulſhip about eight years before; but was turned out of the Senate ſoon after by the Cenſors, for the notorious infamy of his life; till by obtaining the Prætorſhip a ſecond time, which he now actually enjoyed, he recovered his

[*l*] Sed omnino cuncta plebes, novarum rerum ſtudio, *Catilinæ* incepta probabat—quod ſi primo prælio *Catilina* ſuperior, aut æqua manu diſceſſiſſet, profecto magna clades, &c. Salluſt. 27. 29.

[*m*] Salluſt 17.

[*n*] Num P. *Lentulum*, principem Senatus? Complures alios ſummos viros, qui cum *L. Opimio* Conſule armati *Gracchum* in Aventinum perſecuti ſunt? quo in prælio *Lentulus* grave vulnus accepit. Phil. 8. 4. in Cat. 4. 6.

his former place and rank in that ſupreme council [*o*]. His parts were but moderate, or rather ſlow; yet the comelyneſs of his perſon, the gracefulneſs and propriety of his action, the ſtrength and ſweetneſs of his voice, procured him ſome reputation as a ſpeaker [*p*]. He was lazy, luxurious, and profligately wicked; yet ſo vain and ambitious, as to expect from the overthrow of the government, to be the firſt man in the Republic: in this fancy he was ſtrongly flattered by ſome *crafty Southſayers*; who aſſured him from the *Sibylline books*, *that there were three* CORNELIUS's, *deſtined to the dominion of Rome*; that CINNA and SYLLA had already poſſeſſed it, and the prophecy wanted to be completed in him [*q*]. With theſe views he entered freely into the conſpiracy; truſting to CATILINE's vigor for the execution, and hoping to reap the chief fruit from it's ſucceſs.

CETHEGUS was of an extraction equally noble, but of a temper fierce, impetuous, and daring to a degree even of fury. He had been warmly engaged in the cauſe of MARIUS, with whom he was driven out of *Rome*; but when SYLLA's affairs became proſperous, he preſently changed ſides, and throwing himſelf at SYLLA's feet, and promiſing great ſervices, was reſtored to the City [*r*]. After SYLLA's death, by intrigues and faction he acquired ſo great an influence, that, while POMPEY was abroad, he governed all things at home; procured for ANTONIUS, that command over the coaſts of the *Mediterranean*, and

[*o*] *Lentulus* quoque tunc maxime Prætor, &c. Flor 4. 1. Dio, p. 43. Plut. in Cic.

[*p*] *P. Lentulus*, cujus & excogitandi & loquendi tarditatem tegebat formæ dignitas, corporis motus plenus & artis & venuſtatis, vocis & ſuavitas & magnitudo. Brut 350.

[*q*] *Lentulum* autem ſibi confirmaſſe ex fatis Sibyllinis, Haruſpicumque reſponſis, ſe eſſe tertium illum *Cornelium*, ad quem regnum hujus urbis atque imperium pervenire eſſet neceſſe, &c. In Cat. 3. 4 it. 4. 6.

[*r*] Quid *Catilina* tuis natalibus, atq; *Cethegi*
Inveniet quiſquam ſublimius?——
Juv. Sat 8. 231. Appian. 399.

and for LUCULLUS, the management of the *Mithridatic* war [*s*]. In the heigth of this power, he made an excurſion into *Spain*, to raiſe contributions in that province, where meeting with ſome oppoſition to his violences, he had the hardineſs to inſult, and even wound the Proconſul Q. METELLUS PIUS [*t*]. But the inſolence of his conduct and the infamy of his life gradually diminiſhed, and at laſt deſtroyed his credit; when finding himſelf controuled by the Magiſtrates, and the particular vigilance of CICERO, he entered eagerly into CATILINE's plot, and was entruſted with themoſt bloody and deſperate part of it, the taſk of maſſacring their enemies within the city. The reſt of the conſpirators were not leſs illuſtrious for their birth [*u*]. The two SYLLA's were nephews to the *Dictator* of that name; AUTRONIUS had obtained the Conſulſhip, but was deprived for bribery; and CASSIUS was a competitor for it with CICERO himſelf. In ſhort, they were all of the ſame ſtamp and character; men whom diſappointments, ruined fortunes, and flagitious lives, had prepared for any deſign againſt the State; and all whoſe hopes of eaſe and advancement depended on a change of affairs, and the ſubverſion of the Republic.

AT this meeting it was reſolved, that a general inſurrection ſhould be raiſed through *Italy*, the different parts of which were aſſigned to different leaders; that CATILINE ſhould put himſelf at the head of the troops in *Etruria*; that *Rome* ſhould be fired in many places at once,

[*s*] Hic eſt *M. Antonius*, qui gratia *Cottæ* Conſulis & *Cethegi* factione in Senatu, curationem infinitam nactus, &c. Aſcon in Verr. 2. 3. Plut. in Lucull.

[*t*] Quis de *C. Cethego*, atque ejus in Hiſpaniam profectione, ac de vulnere *Q. Metelli Pii* cogitat, cui non ad illius pœnam carcer ædificatus eſſe videatur? Pro Syll. 25.

[*u*] *Curii*, *Porcii*, *Syllæ*, *Cethegi*, *Antonii*, *Vargunteii*, atque *Longini*: quæ familiæ; quæ Senatus inſignia? &c. Flor. l. 4. 1.

once, and a maſſacre begun at the ſame time of the whole Senate and all their enemies; of whom none were to be ſpared except the ſons of POMPEY, who were to be kept as *Hoſtages* of their peace and reconciliation with the father; that in the conſternation of the fire and maſſacre, CATILINE ſhould be ready with his *Tuſcan* army, to take the benefit of the public confuſion, and make himſelf maſter of the City; where LENTULUS in the mean while, as firſt in dignity, was to preſide in their general councils; CASSIUS to manage the affair of firing it, CETHEGUS to direct the maſſacre [*x*]. But the vigilance of CICERO being the chief obſtacle to all their hopes, CATILINE was very deſirous to ſee him taken off before he left *Rome*; upon which *two Knights* of the company undertook to kill him the next morning in his bed, in an early viſit on pretence of buſineſs [*y*]. They were both of his acquaintance, and uſed to frequent his houſe; and knowing his cuſtom of giving free acceſs to all, made no doubt of being readily admitted, as C. CORNELIUS, one of the two, afterwards confeſſed [*z*].

THE meeting was no ſooner over, than CICERO had information of all that paſſed in it; for by the intrigues of a woman named FULVIA, he had gained over CURIUS her gallant, one of the conſpirators of Senatorian rank, to ſend him a punctual account of all their deliberations. He preſently imparted his intelligence to ſome of the chiefs of the city, who were aſſembled that evening, as uſual,

[*x*] Cum *Catilina* egrederetur ad exercitum, *Lentulus* in urbe relinqueretur, Caſſius incendiis, Cethegus cædi præponeretur. Pro Syll. 19. Vid. Plut. in Cicer.

[*y*] Dixiſti paullulum tibi eſſe moræ, quod ego viverem: reperti ſunt duo Equites Romani, qui te iſta cura liberarent, & ſeſe illa ipſa nocte ante lucem me meo in lectulo interfecturos pollicerentur. In Catil. 1. 4. it. Salluſt. 28.

[*z*] Tunc tuus pater, Corneli, id quod tandem aliquando confitetur, illam ſibi officioſam provinciam depopoſcit. Pro Syll. 18.

uſual, at his houſe; *informing them not only of the deſign, but naming the men who were to execute it, and the very hour when they would be at his gate:* all which fell out exactly as he foretold; for the *two Knights* came before break of day, but had the mortification to find *the houſe well guarded, and all admittance refuſed to them* [*a*].

CATILINE was diſappointed likewiſe in another affair of no leſs moment before he quitted the City; a deſign *to ſurprize the town of Præneste*, one of the ſtrongeſt fortreſſes of *Italy*, within twenty five miles of *Rome*; which would have been of ſingular uſe to him in the war, and a ſure retreat in all events: but CICERO was ſtill before hand with him, and from the apprehenſion of ſuch an attempt, had previouſly ſent orders to the place to keep a ſpecial guard; ſo that when CATILINE *came in the night* to make an aſſault, he found them ſo well provided, that he durſt not venture upon the experiment [*b*].

THIS was the ſtate of the conſpiracy, when CICERO delivered the firſt of *thoſe four* ſpeeches, which were ſpoken upon the occaſion of it, and are ſtill extant. The meeting of the conſpirators was on the ſixth of *November*, in the evening; and on the eighth he ſummoned the Senate to *the Temple of* JUPITER *in the Capitol*, where it was not uſually held but in times of *public alarm* [*c*]. There had been ſeveral debates before this on the ſame ſubject of CATILINE's treaſons, and his

[*a*] Domum meam majoribus præſidiis munivi: excluſi eos, quos tu mane ad me ſalutatum miſeras; cum illi ipſi veniſſent, quos ego jam multis ac ſummis viris ad me id temporis venturos eſſe prædixeram. In Catil. 1. 4.

[*b*] Quid? eum tu *Præneste* Kalendis ipſis Novembribus occupaturum nocturno impetu confideres? Senſiſtine illam coloniam meo juſſu, meis præſidiis——eſſe munitam? Ibid. 1. 3. *Præneste*—natura munitum. Vell. Pat. 2. 26.

[*c*] Nihil hic munitiſſimus habendi Senatus locus. Ib. 1. 1.

his deſign of killing the Conſul; and a decree had paſſed at the motion of CICERO, to offer a public reward to the firſt diſcoverer of the plot; *if a ſlave, his liberty, and eight hundred pounds; if a citizen, his pardon, and ſixteen hundred* [*d*]. Yet CATILINE by a profound diſſimulation, and the conſtant profeſſions of his innocence, ſtill deceived many of all ranks; repreſenting the whole as the fiction of his enemy CICERO, and offering to give ſecurity for his behaviour, and to deliver himſelf to the cuſtody of any whom the Senate would name; *of* M. LEPIDUS, *of the Prætor* METELLUS, *or of* CICERO *himſelf*: but none of them would receive him; and CICERO plainly told him, *that he ſhould never think himſelf ſafe in the ſame houſe, when he was in danger by living in the ſame city with him* [*e*]: yet he ſtill kept on the maſk, and had the confidence to come to this very meeting *in the Capitol*; which ſo ſhocked the whole aſſembly, *that none even of his acquaintance durſt venture to ſalute him; and the Conſular Senators quitted that part of the houſe in which he ſat, and left the whole beneh clear to him* [*f*]. CICERO was ſo provoked by his impudence, that inſtead of entering upon any buſineſs, as he deſigned, addreſſing himſelf directly to CATILINE, he broke out into a moſt ſevere invective againſt him; and with all the fire and force of an incenſed eloquence laid open the whole courſe of his villanies, and the notoriety of his treaſons.

[*d*] Si quis indicaſſet de conjuratione, quæ contra Remp. facta erat, præmium, ſervo, libertatem & ſeſtertia centum; liberto, impunitatem & ſeſtertia cc. Salluſt. 30.

[*e*] Cum a me id reſponſum tuliſſes, me nullo modo poſſe iiſdem parietibus tuto eſſe tecum, qui magno in periculo eſſem, quod iiſdem mœnibus contineremur. Ib. 1. 8.

[*f*] Quis te ex hac tanta frequentia, tot ex tuis amicis ac neceſſariis ſalutavit? Quid, quod adventu tuo iſta ſubſellia vacuefacta ſunt? &c. Ib. 1. 7.

He put him in mind, "that there was a decree al-
"ready made againſt him, by which he could take his
"life [*g*]; and that he ought to have done it long ago,
"ſince many, far more eminent and leſs criminal, had
"been taken off by the ſame authority for the ſuſpicion
"onely of treaſonable deſigns; that if he ſhould order
"him therefore to be killed upon the ſpot, there was
"cauſe to apprehend, that it would be thought rather
"too late, than too cruel——But there was a certain
"reaſon which yet with-held him—Thou ſhalt then be
"put to death, ſays he, when there is not a man to be
"found ſo wicked, ſo deſperate, ſo like to thy ſelf, who
"will deny it to be done juſtly.——As long as there
"is one who dares to defend thee, thou ſhalt live;
"and live ſo, as thou now doſt, ſurrounded by the
"guards, which I have placed about thee, ſo as not to
"ſuffer thee to ſtir a foot againſt the Republic; whilſt
"the eyes and ears of many ſhall watch thee, as they
"have hitherto done, when thou little thoughteſt of
"it [*b*]." He then goes on to give a detail of all that had been concerted by the conſpirators at their ſeveral meetings, to let him ſee, "that he was perfectly inform-
"ed of every ſtep which he had taken, or deſigned to
"take;" and obſerves, "that he ſaw ſeveral at that
"very time in the Senate, who had aſſiſted at thoſe
"meetings——He preſſes him therefore to quit the city,
"and ſince all his counſils were detected, to drop the
"thought of fires and maſſacres;—that the gates were
"open, and no body ſhould ſtop him [*i*]." Then run-
ning over the flagitious enormities of his life, and the
"ſeries

[*g*] Habemus Senatus conſultum in te, Catilina, vehemens & grave. In Catil. 1. 1.

[*b*] Ibid. 2.

[*i*] Ibid. 5.

ſeries of his traiterous practices, " he exhorts, urges, " commands him to depart, and, if he would be ad- " viſed by him, to go into a voluntary exil, and free " them from their fears; that, if they were juſt ones, " they might be ſafer; if groundleſs, the quieter [*k*]: " That tho' he would not put the queſtion to the houſe " whether they would order him into baniſhment, or not, " yet he would let him ſee their ſenſe upon it by their " manner of behaving while he was urging him to it; " for ſhould he bid any other Senator of credit, P. SEX- " TIUS, or M. MARCELLUS, to go into exil, they would " all riſe up againſt him at once, and lay violent hands " on their Conſul: yet when he ſaid it to him, by " their ſilence they approved it; by their ſuffering it, " decreed it; by ſaying nothing, proclaimed their con- " ſent [*l*]. That he would anſwer likewiſe for the " Knights, who were then guarding the avenues of the " Senate, and were hardly reſtrained from doing him " violence, that if he would conſent to go, they would " all quietly attend him to the gates.——Yet after all, if " in virtue of his command he ſhould really go into " baniſhment, he foreſaw what a ſtorm of envy he " ſhould draw by it upon himſelf; but he did not " value that, if by his own calamity he could avert the " dangers of the Republic: but there was no hope that " CATILINE could ever be induced to yield to the occa- " ſions of the State, or moved with a ſenſe of his " crimes, or reclamed by ſhame, or fear, or reaſon, " from his madneſs [*m*]. He exorts him therefore, if " he would not go into exil, to go at leaſt, where he " was expected, into MANLIUS's camp, and begin the

[*k*] Ibid. 7. [*l*] Ibid. 8. [*m*] Ibid. 9.

" war; provided onely, that he would carry out with
" him all the reſt of his crew:——That there he might
" riot and exult at his full eaſe, without the mortifica-
" tion of ſeeing one honeſt man about him [*n*]——There
" he might practiſe all that diſcipline to which he had
" been trained, of lying upon the ground, not onely in
" purſuit of his lewd amours, but of bold and hardy
" enterprizes: there he might exert all that boaſted pa-
" tience of hunger, cold, and want, by which however
" he would ſhortly find himſelf undone." He then introduces an expoſtulation of the Republic with himſelf,
" for his too great lenity, in ſuffering ſuch a traitor
" to eſcape, inſtead of hurrying him to immediate
" death; that it was an inſtance of cowardice and in-
" gratitude to the Roman people, that he, a new man,
" who, without any recommendation from his anceſtors,
" had been raiſed by them through all the degrees of honor
" to ſoverein dignity, ſhould, for the ſake of any danger
" to himſelf, neglect the care of the public ſafety [*o*].
" To this moſt ſacred voice of my country, ſays he,
" and to all thoſe, who blame me after the ſame man-
" ner, I ſhall make this ſhort anſwer; that if I had
" thought it the moſt adviſable to put CATILINE to
" death, I would not have allowed that Gladiator the
" uſe of one moment's life: for if in former days, our
" moſt illuſtrious citizens, inſtead of ſullying, have
" done honor to their memories, by the deſtruction of
" SATURNINUS, the GRACCHI, FLACCUS, and many others;
" there is no ground to fear, that by killing this Parri-
" cide any envy would lie upon me with poſterity; yet
" if the greateſt was ſure to befall me, it was always
" my

[*n*] Ibid. 10.

[*o*] Ibid. 11.

" my perſuaſion, that envy acquired by virtue was really " glory, not envy: but there are ſome of this very or- " der, who do not either ſee the dangers which hang " over us, or elſe diſſemble what they ſee; who by the " ſoftneſs of their votes cheriſh CATILINE's hopes, and " add ſtrength to the conſpiracy by not believing it; " whoſe authority influences many, not onely of the " wicked, but the weak; who, if I had puniſhed this " man as he deſerved, would not have failed to cry out " upon me for acting the tyrant [*p*]. Now I am per- " ſuaded, that when he is once gone into MANLIUS's " camp, whither he actually deſigns to go, none can be " ſo ſilly, as not to ſee that there is a plot, none ſo " wicked, as not to acknowledge it, whereas by taking " off him alone, tho' this peſtilence would be ſomewhat " checked, it could not be ſuppreſſed: but when he " has thrown himſelf into rebellion, and carried out his " friends along with him, and drawn together the pro- " fligate and deſperate from all parts of the empire, not " onely this ripened plague of the Republic, but the " very root and ſeed of all our evils will be extirpated " with him at once." Then applying himſelf again to CATILINE, he concludes with a ſhort prayer to JUPITER: " With theſe omens, CATILINE, of all proſperity to the " Republic, but of deſtruction to thyſelf, and all thoſe " who have joined themſelves with thee in all kinds of " parricide, go thy way then to this impious and abo- " minable war; whilſt thou, JUPITER, whoſe religion " was eſtabliſhed with the foundation of this city, whom " we truly call STATOR, the ſtay and prop of this Em- " pire, wilt drive this man and his accomplices from thy " altars

[*p*] Ibid. 12.

" altars and temples, from the houſes and walls of the " city, from the lives and fortunes of us all; and wilt " deſtroy with eternal puniſhments, both living and " dead, all the haters of good men, the enemies of their " country, the plunderers of *Italy*, now confederated " in this deteſtable league and partnerſhip of villainy.

CATILINE, aſtoniſhed by the thunder of this ſpeech, had little to ſay for himſelf in anſwer to it; yet *with down-caſt looks and ſuppliant voice he begged of the Fathors, not to believe too haſtily what was ſaid againſt him by an enemy; that his birth and paſt life offered every thing to him that was hopefull; and it was not to be imagined, that a man of Patrician family, whoſe anceſtors, as well as himſelf, had given many proofs of their affection to the Roman people, ſhould want to overturn the government*; *while* CICERO, *a ſtranger and late inhabitant of* Rome, *was ſo zealous to preſerve it.* But as he was going on to give foul language, *the Senate interrupted him by a general outcry, calling him Traitor and Parricide:* upon which, being furious and deſperate, he declared again aloud what he had ſaid before to CATO, *that ſince he was circumvented and driven headlong by his enemies, he would quench the flame which was raiſed about him, by the common ruin*; and ſo ruſhed out of the aſſembly [q]. As ſoon as he was come to his houſe, and began to reflect on what had paſſed, perceiving it in vain to diſſemble any longer, he reſolved to enter into action immediately, before the troops of the Republic were encreaſed, or any new levies made; ſo that after a ſhort conference with LENTULUS, CETHEGUS, and

[q] Tum ille furibundus; Quoniam quidem circumventus, inquit, ab inimicis præceps agor incendium meum ruina extinguam. Salluſt. 31.

and the reſt, about what had been concerted in the laſt meeting, having given freſh orders and aſſurances of his ſpeedy return at the head of a ſtrong army, he left *Rome* that very night with a ſmall retinue, to make the beſt of his way towards *Etruria* [*r*].

He no ſooner diſappeared, than his friends gave out *that he was gone into a voluntary exil* at Marſeilles [*s*]; which was induſtriouſly ſpread through the city the next morning, to raiſe an odium upon Cicero, for driving an innocent man into baniſhment without any previous trial or proof of his guilt: but Cicero was too well informed of his motions to entertain any doubt about his going to Manlius's *camp, and into actual rebellion:* he knew that he had ſent thither already a quantity of arms, *and all the enſigns of military command, with that ſilver eagle, which he uſed to keep with great ſuperſtition in his houſe, for it's having belonged to* C. Marius *in his expedition againſt the* Cimbri [*t*]. But leſt the ſtory ſhould make an ill impreſſion on the city, he called the people together into the Forum, to give them an account of what paſſed in the Senate the day before, and of Catiline's leaving *Rome* upon it.

He began by "congratulating with them on Cati-"line's flight, as on a certain victory; ſince the driv-"ing him from his ſecret plots and inſidious attempts "on their lives and fortunes into open rebellion, was in "effect to conquer him: that Catiline himſelf was "ſenſible of it; whoſe chief regret in his retreat was "not

[*r*] Ibid. 32.

[*s*] At enim ſunt. Quirites, qui dicunt a me in exilium ejectum eſſe Catilinam——Ego vehemens ille Conſul, qui verbo cives in exilium ejicio, &c. In Catil. 2. 6,

[*t*] Cum faſces, cum tubas, cum ſigna militaria, cum aquilam illam argenteam, cui ille etiam ſacrarium ſcelerum domi ſuæ fecerat, ſcirem eſſe præmiſſam. Ib. Salluſt. 59.

" not for leaving the city, but for leaving it ſtand-
" ing [*u*].-----But if there be any here, ſays he, who
" blame me for what I am boaſting of, as you all in-
" deed juſtly may, that I did not rather ſeize, than ſend
" away ſo capital an enemy; that is not my fault,
" Citizens, but the fault of the times. CATILINE ought
" long ago to have ſuffered the laſt puniſhment; the
" cuſtom of our anceſtors, the diſcipline of the empire,
" and the Republic itſelf required it: But how many
" would there have been, who would not have believed
" what I charged him with? how many, who through
" weakneſs would never have imagined it, or through
" wickedneſs would have defended it?"----He obſerves,
" that if he had put CATILINE to death, he ſhould have
" drawn upon himſelf ſuch an odium, as would have
" rendered him unable to proſecute his accomplices, and
" extirpate the remains of the conſpiracy; but ſo far
" from being afraid of him now, he was ſorry onely
" that he went off with ſo few to attend him [*x*]: that
" his forces were contemptible, if compared with thoſe
", of the Republic; made up of a miſerable, needy
" crew, who had waſted their ſubſtance, forfeited their
" bails, and would run away not onely at the ſight
" of an army, but of the Prætor's edict:---That thoſe,
" who had deſerted his army and ſtaid behind, were
" more to be dreaded than the army itſelf; and the
" more ſo, becauſe they knew him to be informed of
" all their deſigns, yet were not at all moved by it:
" that he had laid open all their counſils in the Senate
" the day before, upon which CATILINE was ſo diſ-
" heartened, that he immediately fled: that he could not
" gueſs

[*u*] In Catil. 2. 1. [*x*] Ibid. 2.

" gueſs what theſe others meant; if they imagined that " he ſhould always uſe the ſame lenity, they were much " miſtaken [*y*]: for he had now gained what he had " hitherto been waiting for, to make all people ſee " that there was a conſpiracy; that now therefore there " was no more room for clemency, the caſe itſelf re- " quired ſeverity: yet he would ſtill grant them one " thing, to quit the city and follow CATILINE; nay, " would tell them the way, it was the Aurelian road, " and, if they would make haſt, they might overtake " him before night." Then after deſcribing the profligate life and converſation of CATILINE and his accomplices [*z*], he declares it " inſufferably impudent for ſuch " men to pretend to plot; the lazy againſt the active, " the fooliſh againſt the prudent, the drunken againſt " the ſober, the drowſy againſt the vigilant; who loll- " ing at feaſts, embracing miſtreſſes, ſtaggering with " wine, ſtuffed with victuals, crowned with garlands, " dawbed with perfumes, belch in their converſations of " maſſacring the honeſt, and firing the city. If my " Conſulſhip, ſays he, ſince it cannot cure, ſhould cut " off all theſe, it would add no ſmall period to the du- " ration of the Republic, for there is no nation, which " we have reaſon to fear, no King, who can make war " upon the Roman people; all diſturbances abroad, " both by land and ſea, are quelled by the virtue of " one man,; but a domeſtic war ſtill remains; the trea- " ſon, the danger, the enemy is within; we are to com- " bat with luxury, with madneſs, with villainy; in this " war I profeſs myſelf your leader, and take upon my- " ſelf all the animoſity of the deſperate: whatever can

 " poſſibly

[*y*] Ibid. 3. [*z*] Ibid. 4.

" poſſibly be healed, I will heal; but what ought to be " cut off, I will never ſuffer to ſpread to the ruin of the " city [*a*]." He then takes notice of the report of CATILINE's being driven into exil, but ridicules the weakneſs of it, and ſays, " that he had put that matter out " of doubt, by expoſing all his treaſons the day be- " fore in the Senate [*b*]." He laments " the wretched " condition not onely of governing, but even of pre- " ſerving States: for if CATILINE, ſays he, baffled by " my pains and counſils, ſhould really change his mind, " drop all thoughts of war, and betake himſelf to exil, " he would not be ſaid to be diſarmed and terrified, or " driven from his purpoſe by my vigilance; but un- " condemned and innocent to be forced into baniſhment " by the threats of the Conſul; and there would be " numbers, who would think him not wicked, but un- " happy; and me not a diligent Conſul, but a cruel " tyrant." He declares, " that tho' for the ſake of his " own eaſe or character he ſhould never wiſh to hear of " CALILINE's being at the head of an army, yet they " would certainly hear it in three day's time:——that if " men were ſo perverſe as to complain of his being " driven away, what would they have ſaid if he had " been put to death? Yet there was not one of thoſe " who talked of his going to *Marſeilles*, but would be " ſorry for it if it was true, and wiſhed much rather to " ſee him in MANLIUS's camp [*c*]." He procedes to deſcribe at large the ſtrength and forces of CATILINE, and the different ſorts of men of which they were compoſed; and then diſplaying and oppoſing to them the ſuperior forces of the Republic, he ſhews it to be " a contention " of

[*a*] Ibid. 5. [*b*] Ibid. 6. [*c*] Ibid. 7, 8, 9, 10.

" of all ſorts of virtue againſt all ſorts of vice; in which " if all human help ſhould fail them, the Gods them- " ſelves would never ſuffer the beſt cauſe in the world " to be vanquiſhed by the worſt [*d*]." He requires them therefore to " keep a watch onely in their private " houſes, for he had taken care to ſecure the public, with- " out any tumult: that he had given notice to all the " colonies and great towns of CATILINE's retreat, ſo as to " be upon their guard againſt him: that as to the body " of Gladiators, whom CATILINE always depended up- " on as his beſt and ſureſt band, they were taken care " of in ſuch a manner, as to be in the power of the " Republic [*e*]; tho', to ſay the truth, even theſe were " better affected than ſome part of the Patricians: that " he had ſent Q. METELLUS the Prætor into *Gaul* and " the diſtrict of *Picenum*, to oppoſe all CATILINE's " motions on that ſide; and for ſettling all matters at " home had ſummoned the Senate to meet again that " morning, which, as they ſaw, was then aſſembling. " As for thoſe therefore who were left behind in the city, " tho' they were now enemies, yet ſince they were born " citizens, he admoniſhed them again and again, that " his lenity had been waiting onely for an opportunity " of demonſtrating the certainty of the plot: that for " the reſt, he ſhould never forget that this was his " country, he their Conſul, who thought it his duty " either to live with them, or die for them. There is " no guard, ſays he, upon the gates, none to watch the " roads; if any one has a mind to withdraw himſelf, " he may go wherever he pleaſes; but if he makes the

[*d*] Ibid. 11.

[*e*] Ibid. 12. Decrevere uti familiæ gladiatoriæ Capuam & in cætera municipia diſtribuerentur pro cujuſque opibus. Salluſt. 30.

" leaſt ſtir within the city, ſo as to be caught in any
" overt-act againſt the Republic, he ſhall know, that
" there are in it vigilant Conſuls, excellent Magiſtrates,
" a ſtout Senate; that there are arms, and a priſon,
" which our anceſtors provided as the avenger of mani-
" feſt crimes; and all this ſhall be tranſacted in ſuch a
" manner, Citizens, that the greateſt diſorders ſhall be
" quelled without the leaſt hurry; the greateſt dangers
" without any tumult; a domeſtic war, the moſt de-
" ſperate of any in our memory, by me your onely
" Leader and General, in my gown; which I will ma-
" nage ſo, that, as far as it is poſſible, not one even of
" the guilty ſhall ſuffer puniſhment in the city: but if
" their audaciouſneſs and my country's danger ſhould
" neceſſarily drive me from this mild reſolution; yet I
" will effect, what in ſo cruel and treacherous a war could
" hardly be hoped for, that not one honeſt man ſhall
" fall, but all of you be ſafe by the puniſhment of a
" few. This I promiſe, Citizens, not from any confi-
" dence in my own prudence, or from any human
" counſils, but from the many evident declarations of
" the Gods, by whoſe impulſe I am led into this per-
" ſuaſion; who aſſiſt us, not as they uſed to do, at a
" diſtance, againſt foreign and remote enemies, but by
" their preſent help and protection defend their temples
" and our houſes: it is your part therefore to worſhip,
" implore, and pray to them, that ſince all our enemies
" are now ſubdued both by land and ſea, they would
" continue to preſerve this city, which was deſigned by
" them for the moſt beautifull, the moſt floriſhing, and
" moſt powerfull on earth, from the deteſtable treaſons
" of it's own deſperate citizens.

We have no account of this day's debate in the Senate, which met while Cicero was ſpeaking to the people, and were waiting his coming to them from the *Roſtra*, : but as to Catiline, after ſtaying a few days on the road to raiſe and arm the country through which he paſſed, and which his agents had already been diſpoſing to his intereſts, *he marched directly to* Manlius's *camp, with the Faſces and all the enſigns of military command diſplayed before him.* Upon this news, the Senate declared both him and Manlius *public enemies, with offers of pardon to all his followers, who were not condemned of capital crimes, if they returned to their duty by a certain day; and ordered the Conſuls to make new levies, and that* Antonius *ſhould follow* Catiline *with the army*; Cicero *ſtay at home to guard the City* [*f*].

It will ſeem ſtrange to ſome, that Cicero, when he had certain information of Catiline's *treaſon*, inſtead of ſeizing him in the city, not onely ſuffered, but urged his eſcape, and forced him as it were to begin the war. But there was good reaſon for what he did, as he frequently intimates in his ſpeeches; he had many enemies among the Nobility, and Catiline many ſecret friends; and tho' he was perfectly informed of the whole progreſs and extent of the plot, yet the proofs being not ready to be laid before the public, Catiline's *diſſimulation* ſtill prevailed, and perſuaded great numbers of his innocence; ſo that if he had impriſoned and puniſhed him at this time, as he deſerved, the whole faction were prepared to raiſe a general clamor againſt him, by repreſenting *his adminiſtration as a Tyranny, and the plot as a forgery contrived to ſupport it*: whereas by driving Catiline into

[*f*] Salluſt. 36.

into rebellion, he made all men ſee the reality of their danger; while from an exact account of his troops, he knew them to be ſo unequal to thoſe of the Republic, that there was no doubt of his being deſtroyed, if he could be puſhed to the neceſſity of declaring himſelf before his other projects were ripe for execution. He knew alſo, that if CATILINE was once driven out of the city, and ſeparated from his accomplices, who were a *lazy, drunken, thoughtleſs crew*, they would ruin themſelves by their own raſhneſs, and be eaſily drawn into any trap which he ſhould lay for them: the event ſhewed that he judged right; and by what happened afterwards both to CATILINE and to himſelf, it appeared, that, as far as human caution could reach, he acted with the utmoſt prudence in regard as well to his own, as to the public ſafety.

IN the midſt of all this hurry, and ſoon after CATILINE's flight, CICERO found leiſure, according to his cuſtom, to defend L. MURENA, *one of the Conſuls elect*, who was now brought to a trial *for bribery and corruption*. CATO had declared in the Senate, *that he would try the force of* CICERO's *late law upon one of the Conſular candidates* [*g*]: and ſince CATILINE, whom he chiefly aimed at, was out of his reach, he reſolved to fall upon MURENA; yet connived at the ſame time at the other Conſul, SILANUS, *who had married his ſiſter*, tho' equally guilty with his collegue [*h*]: he was joined in the accuſation by one of the diſappointed candidates, S. SULPICIUS, a perſon of diſtinguiſhed worth and character, and the moſt celebrated Lawyer of the age, for whoſe ſervice, and

[*g*] Dixi in Senatu, me nomen Conſularis candidati delaturum. Pro Muren. 30. Quod atrociter in Senatu dixiſti, aut non dixiſſes, aut ſepoſuiſſes. Ib. 31. Plutar. Cato.

[*h*] Plutarch. in Cato.

and at whoſe inſtance CICERO's *law againſt bribery* was chiefly provided [*i*].

MURENA was bred a ſoldier, and had acquired great fame in the *Mithridatic war*, as Lieutenant to LUCULLUS [*k*]; and was now defended by three, the greateſt men, as well as the greateſt Orators of *Rome*, CRASSUS, HORTENSIUS, and CICERO: ſo that there had ſeldom been a trial of more expectation, on account of the dignity of all the parties concerned. The character of the accuſers makes it reaſonable to believe, that there was clear proof of ſome illegal practices; yet from CICERO's ſpeech, which, tho' imperfect, is the onely remaining monument of the tranſaction, it ſeems probable, that they were ſuch onely, as tho' ſtrictly ſpeaking irregular, were yet warranted by cuſtom and the example of all candidates; and tho' heinous in the eyes of a CATO, *or an angry competitor*, were uſually overlooked by the magiſtrates and expected by the people.

THE accuſation conſiſted of three heads; *the ſcandal of* MURENA's *life*; *the want of dignity in his character and family*; *and bribery in the late election.* As to the firſt, the greateſt crime which CATO charged him with was *dancing*; to which CICERO's defenſe is ſomewhat remarkable: "He admoniſhes CATO not to throw out "ſuch a calumny ſo inconſiderately, or to call the "Conſul of *Rome* a dancer; but to conſider how many "other crimes a man muſt needs be guilty of before "that of dancing could be truly objected to him; ſince "no body ever danced, even in ſolitude, or a private "meeting

[*i*] Legem ambitus flagitaſti——geſtus eſt mos & voluntati & dignitati tuæ. Pro Muren. 23.

[*k*] Legatus L. Lucullo fuit: qua in legatione duxit exercitum——magnas copias hoſtium fudit, urbes partim vi, partim obſidione cepit. Pro Muren. 9.

" meeting of friends, who was not either drunk or " mad; for dancing was always the laſt act of riotous " banquets, gay places, and much jollity: that CATO " charged him therefore with what was the effect of " many vices, yet with none of thoſe, without which " that vice could not poſſibly ſubſiſt; with no ſcanda- " lous feaſts, no amours, no nightly revels, no lewdneſs, " no extravagant expenſe. &c [l].

As to the ſecond article, *the want of dignity*, it was urged chiefly by SULPICIUS, who being noble and a *Patrician*, was the more mortified to be defeated by a *Plebeian*, whoſe extraction he contemned: but " CICERO " ridicules the vanity of thinking no family good, but " a Patrician; ſhews that MURENA's grand-father and " great grand-father had been Prætors; and that his " father alſo from the ſame dignity had obtained the " honor of a Triumph: that SULPICIUS's nobility was " better known to the antiquaries than to the people; " ſince his grand-father had never born any of the prin- " cipal offices, nor his father ever mounted higher than " the Equeſtrian rank: that being therefore the ſon of " a Roman Knight, he had always reckoned him in the " ſame claſs with himſelf, of thoſe who by their own " induſtry had opened their way to the higheſt honors; " that the CURIUS's the CATO's, the POMPEIUS's, the " MARIUS's, the DIDIUS's, the CÆLIUS's were all of the " ſame ſort: that when he had broken through that " barricade of Nobility, and laid the Conſulſhip open " to the virtuous, as well as to the noble; and when a " Conſul, of an ancient and illuſtrious deſcent, was de- " fended by a Conſul, the ſon of a Knight; he never " imagined,

[l] Ibid. 6.

" imagined, that the accuſers would venture to ſay a " word about the novelty of a family: that he himſelf " had two Patrician competitors, the one a profligate " and audacious, the other an excellent and modeſt " man; yet that he outdid CATILINE in dignity, " GALBA in intereſt; and if that had been a crime in a " new man, he ſhould not have wanted enemies to ob- " ject it to him [*m*]." He then ſhews, " that the ſci- " ence of arms, in which MURENA excelled, had much " more dignity and ſplendor in it than the ſcience of " the law, being that which firſt gave a name to the " Roman people, brought glory to their city, and ſub- " dued the world to their empire: that martial virtue " had ever been the means of conciliating the favor of " the people, and recommending to the honors of the " ſtate; and it was but reaſonable that it ſhould hold " the firſt place in that city, which was raiſed by it to " be the head of all other cities in the world [*n*].

As to the laſt and heavieſt part of the charge, *the crime of bribery*, there was little or nothing made out againſt him, but what was too common to be thought criminal; *the bribery of ſhews, plays, and dinners given to the populace*; yet not ſo much by himſelf, as by his friends and relations, who were zealous to ſerve him; ſo that CICERO makes very ſlight of it, and declares himſelf " more afraid of the authority, than the accu- " ſation of CATO;" and to obviate the influence which the reputation of CATO's *integrity* might have in the cauſe, he obſerves, " that the people in general, and all " wiſe judges had ever been jealous of the power and " intereſt of an accuſer; leſt the criminal ſhould be born

 " down,

[*m*] Pro Muren. 7, 8. [*n*] Ibid. 9, 10, 11.

" down, not by the weight of his crimes, but the ſupe-
" rior force of his adverſary. Let the authority of the
" great prevail, ſays he, for the ſafety of the innocent,
" the protection of the helpleſs, the relief of the miſe-
" rable; but let it's influence be repelled from the dan-
" gers and deſtruction of citizens: for if any one ſhould
" ſay, that CATO would not have taken the pains to
" accuſe, if he had not been aſſured of the crime, he
" eſtabliſhes a very unjuſt law to men in diſtreſs, by
" making the judgement of an accuſer to be conſidered
" as a prejudice or previous condemnation of the cri-
" minal [o]. He exhorts CATO not to be ſo ſevere on
" what ancient cuſtom and the Republic itſelf had
" found uſeful; nor to deprive the people of their plays,
" gladiators, and feaſts, which their anceſtors had ap-
" proved; nor to take from candidates an opportunity
" of obliging by a method of expenſe which indicated
" their generoſity, rather than an intention to cor-
" rupt [p].

BUT whatever MURENA's crime might be, the circum-ſtance which chiefly favored him was, the difficulty of the times, and a rebellion actually on foot; which made it neither ſafe nor prudent *to deprive the city of a Conſul, who by a military education was the beſt qualified to defend it in ſo dangerous a criſis.* This point CICERO dwells much upon, declaring " that he undertook this
" cauſe, not ſo much for the ſake of MURENA, as of the
" peace, the liberty, the lives and ſafety of them all.
" Hear, hear, ſays he, your Conſul, who, not to ſpeak
" arrogantly, thinks of nothing day and night but of
" the Republic: CATILINE does not deſpiſe us ſo far,
" as

[o] Ibid. 28. [p] Ibid. 36.

" as to hope to ſubdue this city with the force which he
" has carried out with him: the contagion is ſpread
" wider than you imagine; the Trojan horſe is within
" our walls; which, while I am Conſul, ſhall never
" oppreſs you in your ſleep. If it be aſked then, what
" reaſon I have to fear CATILINE? none at all: and I
" have taken care that no body elſe need fear him: yet
" I ſay, that we have cauſe to fear thoſe troops of his,
" which I ſee in this very place. Nor is his army ſo
" much to be dreaded, as thoſe who are ſaid to have
" deſerted it: for in truth they have not deſerted, but
" are left by him onely as ſpies upon us, and placed as
" it were in ambuſh, to deſtroy us the more ſecurely:
" all theſe want to ſee a worthy Conſul, an experienced
" General, a man both by nature and fortunes attached
" to the intereſts of the Republic, driven by your ſen-
" tence from the guard and cuſtody of the city [*q*]."
After urging this topic with great warmth and force, he adds, " We are now come to the criſis and extremity of
" our danger; there is no reſource or recovery for us,
" if we now miſcarry; it is no time to throw away
" any of the helps which we have, but by all means
" poſſible to acquire more. The enemy is not on the
" banks of the *Anio*, which was thought ſo terrible in
" the Punic war, but in the City and the Forum. Good
" Gods! (I cannot ſpeak it without a ſigh,) there are
" ſome enemies in the very ſanctuary; ſome, I ſay, even
" in the Senate! The Gods grant, that my collegue
" may quell this rebellion by our arms; whilſt I, in the
" gown, by the aſſiſtance of all the honeſt, will diſpell
" the other dangers with which the city is now big.

[*q*] Ibid. 37.

" But what will become of us, if they ſhould ſlip " through our hands into the new year; and find but " one Conſul in the Republic, and him employed not in " proſecuting the war, but in providing a collegue? " Then this plague of CATILINE will break out in all it's " fury, ſpreading terror, confuſion, fire, and ſword " through the city, &c. [r]." This conſideration, ſo forcibly urged, *of the neceſſity of having two Conſuls for the guard of the city at the opening of the new year*, had ſuch weight with the judges, that without any deliberation they unanimouſly acquitted MURENA, and *would not*, as CICERO ſays, *ſo much as hear the accuſation of men, the moſt eminent and illuſtrious* [s].

CICERO had a ſtrict intimacy all this while with SULPICIUS, *whom he had ſerved with all his intereſt in this very conteſt for the Conſulſhip* [t]. He had a great friendſhip alſo with CATO, and the higheſt eſteem of his integrity; yet he not onely defended this cauſe againſt them both, but to take off the prejudice of their authority, labored even to make them ridiculous; rallying *the profeſſion of* SULPICIUS *as trifling and contemptible, the principles of* CATO *as abſurd and impracticable*, with ſo much humor and wit, that he made the whole audience very merry, and forced CATO to cry out, *What a facetious Conſul have we* [u]! But what is more obſervable, the oppoſition of theſe great men in an affair ſo intereſting gave no ſort of interruption to their friendſhip, which continued as firm as ever to the end of their lives: and CICERO, who lived the longeſt of them, ſhewed

[r] Ibid. 39.

[s] Defendi Conſul L. Murenam——nemo illorum judicum, clariſſimis viris accuſantibus, audiendum ſibi de ambitu curavit, cum bellum jam gerente Catilina, omnes, me auctore, duos Conſules Kalendis Jan. ſcirent eſſe oportere. Ibid.

[t] Ibid. 3.

[u] Plut. in Cato.

ed the real value that he had for them both after their deaths, by procuring *public honors for the one, and writing the life and praiſes of the other.* MURENA too, tho' expoſed to ſo much danger by the proſecution, yet ſeems to have retained no reſentment of it; but during his Conſulſhip paid a great deference to the counſils of CATO, and employed all his power to ſupport him againſt the violence of METELLUS, *his Collegue in the Tribunate.* This was a greatneſs of mind truly noble, and ſuitable to the dignity of the perſons; not to be ſhocked by the particular contradiction of their friends, when their general views on both ſides were laudable and virtuous: yet this muſt not be wholly charged to the virtue of the men, but to the diſcipline of the Republic itſelf, which by a wiſe policy impoſed it as a duty on it's ſubjects *to defend their fellow citizens in their dangers, without regard to any friendſhips or engagements whatſoever* [x]. The examples of this kind will be more or leſs frequent in ſtates, in proportion as the public good happens to be the ruling principle; for that is a bond of union too firm to be broken by any little differences about the meaſures of purſuing it: but where private ambition and party zeal have the aſcendant, there every oppoſition muſt neceſſarily create animoſity, as it obſtructs the acquiſition of that good, which is conſidered as the chief end of life, private benefit and advantage.

BEFORE the trial of MURENA, CICERO had pleaded another cauſe of the ſame kind in the defenſe of C. PISO, who had been Conſul four years before, and acquired the

[x] Hanc nobis a majoribus eſſe traditam diſciplinam, ut nullius amicitia ad propulſanda pericula impediremur. Pro Sylla, 17.

the character of a brave and vigorous magiſtrate: but we have no remains of the ſpeech, nor any thing more ſaid of it by CICERO, than *that* PISO *was acquitted on the account of his laudable behaviour in his Conſulſhip* [y]. We learn however from SALLUST, that he was accuſed of *oppreſſion and extortion in his government*; *and that the proſecution was promoted chiefly by* J. CÆSAR, *out of revenge for* PISO's *having arbitrarily puniſhed one of his friends or clients in Ciſalpine Gaul* [z].

BUT to return to the affair of the conſpiracy. LENTULUS, and the reſt, who were left in the city, were preparing all things for the execution of their grand deſign, and ſolliciting men of all ranks, who ſeemed likely to favor their cauſe, or to be of any uſe to it: among the reſt, they agreed to make an attempt *on the ambaſſadors of the Allobroges*; a warlike, mutinous, faithleſs people, inhabiting the countries now called *Savoy* and *Dauphiny*, greatly diſaffected to the Roman power, and already ripe for rebellion. Theſe embaſſadors, who were preparing to return home, much out of humor with the Senate, and without any redreſs of the grievances, which they were ſent to complain of, received the propoſal at firſt very greedily, and promiſed to engage their nation to aſſiſt the conſpirators with what they principally wanted [a], *a good body of horſe, whenever they ſhould begin the war*; but reflecting afterwards, in their cooler thoughts, on the difficulty of the enterprize, and the danger of involving themſelves and their country in ſo deſperate a cauſe, they reſolved to diſcover what they knew to Q. FABIUS SANGA, the patron of their city, who

[y] Pro Flacco, 39
[z] Salluſt. 49.

[a] Ut equitatum in Italiam quamprimum mitterent. In Catil. 3. 4.

who immediately gave intelligence of it to the Conſul [*b*].

CICERO's inſtructions upon it were, that the embaſſadors ſhould continue to feign the ſame zeal which they had hitherto ſhewn, and promiſe every thing that was required of them, till they had got a full inſight into the extent of the plot, with diſtinct proofs againſt the particular actors in it [*c*]: upon which, at their next conference with the conſpirators, they inſiſted on having ſome credentials from them to ſhew to their people at home, without which they would be never induced to enter into an engagement ſo hazardous. This was thought reaſonable, and preſently complied with; and VULTURCIUS was appointed to go along with the embaſſadors, and introduce them to CATILINE on their road, in order to confirm the agreement, and exchange aſſurances alſo with him; to whom LENTULUS ſent at the ſame time a particular letter under *his own hand and ſeal, tho' without his name.* CICERO being punctually informed of all theſe facts, concerted privately with the embaſſadors the time and manner of their leaving *Rome* in the night, and *that on the Milvian bridge, about a mile from the city, they ſhould be arreſted with their papers and letters about them, by two of the Prætors,* L. FLACCUS *and* C. PONTINIUS, *whom he had inſtructed for that purpoſe, and ordered to lie in ambuſh near the place, with a ſtrong guard of friends and ſoldiers:* all which was ſucceſsfully executed, and the whole company brought priſoners to CICERO's houſe by break of day [*d*].

THE

[*b*] Allobroges diu incertum habuere, quidnam conſilii caperent———Itaque Q. Fabio Sangæ rem omnem, ut cognoverunt, aperiunt. Sall. 41.

[*c*] Cicero——legatis præcipit, ut ſtudium conjurationis vehementer ſimulent, cæteros adeant, bene polliceantur, dentque operam, ut eos quam maxime manifeſtos habeant. Ibid.

[*d*] L. Flaccum & C. Pontinium Prætores—— ad

THE rumor of this accident preſently drew a reſort of CICERO's principal friends about him, who adviſed him *to open the letters before he produced them in the Senate, leſt if nothing of moment were found in them, it might be thought raſh and imprudent to raiſe an unneceſſary terror and alarm through the city.* But he was too well informed of the contents, to fear any cenſure of that kind; and declared, *that in a caſe of public danger he thought it his duty to lay the matter intire before the public council* [*e*]. He ſummoned the Senate therefore to meet immediately, and ſent at the ſame time for GABINIUS, STATILIUS, CETHEGUS, and LENTULUS, who all came preſently to his houſe, ſuſpecting nothing of the diſcovery; and being informed alſo *of a quantity of arms provided by* CETHEGUS for the uſe of the conſpiracy, he ordered C. SULPICIUS, another of the Prætors, *to go and ſearch his houſe*, where he found a great number of *ſwords and daggers, with other arms, all newly cleaned, and ready for preſent ſervice* [*f*].

WITH this preparation he ſet out to meet the Senate in *the Temple of Concord*, with a numerous guard of Citizens, carrying the embaſſadors and the conſpirators with him in cuſtody: and after he had given the aſſembly an account of the whole affair, VULTURCIUS was called in to be examined ſeparately; *to whom* CICERO, *by order of the houſe, offered a pardon and reward, if he would*

ad me vocavi, rem expoſui; quid fieri placeret oſtendi—occulte ad pontem Milvium pervenerunt—ipſi comprehenſi ad me, cum jam diluceſceret, deducuntur. In Catil. 3. 2.

[*e*] Cum ſummis & clariſſimis hujus civitatis viris, qui, audita re, frequentes ad me convenerant, literas a me prius aperiri, quam ad Senatum referrem, placeret, ne ſi nihil eſſet inventum, temere a me tantus tumultus injectus civitati videretur, me negavi eſſe facturum, ut de periculo publico non ad publicum concilium rem integram deferrem. Ib. 3. 3.

[*f*] Admonitu Allobrogum—C. Sulpicium—miſi, qui ex ædibus Cethegi, ſi quid telorum eſſet, efferret; ex quibus ille maximum ſicarum numerum & gladiorum extulit. Ibid. it. Plutarch. in Cic.

would faithfully diſcover all that he knew: upon which, after ſome heſitation, he confeſſed, *that he had letters and inſtructions from* LENTULUS *to* CATILINE, *to preſs him to accept the aſſiſtance of the ſlaves, and to lead his army with all expedition towards* Rome, *to the intent, that when it ſhould be ſet on fire in different places, and the general maſſacre begun, he might be at hand to intercept thoſe who eſcaped, and join with his friends in the city* [g].

THE embaſſadors were examined next, who declared, *that they had received letters to their nation from* LENTULUS, CETHEGUS, *and* STATILIUS; *that theſe three, and* L. CASSIUS *alſo, required them to ſend a body of horſe as ſoon as poſſible into* Italy, *declaring, that they had no occaſion for any foot: that* LENTULUS *had aſſured them from the Sibylline books, and the anſwers of Sooth-ſayers, that he was the third* CORNELIUS, *who was deſtined to be maſter of* Rome, *as* CINNA *and* SYLLA *had been before him; and that this was the fatal year marked for the deſtruction of the City and Empire: that there was ſome diſpute between* CETHEGUS *and the reſt about the time of firing the city; for while the reſt were for fixing it on the feaſt of* SATURN, *or the middle of* December, CETHEGUS *thought that day too remote and dilatory.*——— The letters were then produced and opened; firſt that from CETHEGUS; *and upon ſhewing him the ſeal, he allowed it to be his;* it was written *with his own hand, and addreſſed to the Senate and People of the Allobroges,* ſignifying, *that he would make good what he had promiſed to their embaſſadors, and entreating them alſo to perform what the embaſſadors had undertaken for them.* He had

[g] In Cat. 3. 4.

been interrogated juſt before, about the arms that were found at his houſe; to which he anſwered, *that they were provided onely for his curioſity, for he had always been particularly fond of neat arms:* but after his letter was read, he was ſo dejected and confounded, that he had nothing at all to ſay for himſelf.——STATILIUS was then brought in, and *acknowledged his hand and ſeal*; and when his letter was read, to the ſame purpoſe with CETHEGUS's, *he confeſſed it to be his own.*——Then LENTULUS's letter was produced, *and his ſeal likewiſe owned by him*; which CICERO perceiving to be the head of his grand-father, could not help expoſtulating with him, *that the very image of ſuch an anceſtor, ſo remarkable for a ſingular love of his country, had not reclamed him from his traiterous deſigns.* His letter was of the ſame import with the other two; but having leave to ſpeak for himſelf, *he at firſt denied the whole charge, and began to queſtion the embaſſadors and* VULTURCIUS, *what buſineſs they ever had with him, and on what occaſion they came to his houſe; to which they gave clear and diſtinct anſwers; ſignifying by whom, and how often they had been introduced to him; and then aſked him in their turn, whether he had never mentioned any thing to them about the Sibylline Oracles; upon which being confounded, or infatuated rather by the ſenſe of his guilt, he gave a remarkable proof, as* CICERO *ſays, of the great force of conſcience; for not onely his uſual parts and eloquence, but his impudence too, in which he outdid all men, quite failed him; ſo that he confeſſed his crime, to the ſurprize of the whole aſſembly.* Then VULTURCIUS deſired, that the letter to CATILINE, which LENTULUS had ſent by him, might be opened; where LENTULUS *again, tho' greatly diſordered,*

diſordered, acknowledged his hand and ſeal: it was written without any name, but to this effect: "*You will* "*know who I am, from him whom I have ſent to you.* "*Take care to ſhew yourſelf a man; and recollect in* "*what a ſituation you are; and conſider what is now* "*neceſſary for you. Be ſure to make uſe of the aſſiſtance* "*of all, even of the loweſt.*"——GABINIUS was then introduced, and behaved impudently for a while; but *at laſt denied nothing of what the embaſſadors charged him with.*

AFTER the criminals and witneſſes were withdrawn, the Senate went into a debate upon the ſtate of the Republic, and came unanimouſly to the following reſolutions: *That public thanks ſhould be decreed to* CICERO *in the ampleſt manner; by whoſe virtue, counſil, providence, the Republic was delivered from the greateſt dangers: that* FLACCUS *and* PONTINIUS, *the Prætors, ſhould be thanked likewiſe for their vigorous and punctual execution of* CICERO's *orders: that* ANTONIUS, *the other Conſul, ſhould be praiſed, for having removed from his councils all thoſe who were concerned in the conſpiracy: that* LENTULUS, *after having abdicated the Prætorſhip, and diveſted himſelf of his robes, and* CETHEGUS, STATILIUS, *and* GABINIUS, *with their other accomplices alſo when taken,* CASSIUS, CÆPARIUS, FURIUS, CHILO, UMBRENUS, *ſhould be committed to ſafe cuſtody; and that a public thankſgiving ſhould be appointed in* CICERO's *name, for his having preſerved the City from a conflagration, the Citizens from a maſſacre, and Italy from a war* [*b*].

THE Senate being diſmiſſed, CICERO went directly into the *Roſtra*, and gave the people an account of the

[*b*] In Cat. 3. 5, 6.

whole proceding, in the manner as it is juſt related: where he obſerved to them, " that the thankſgiving de-
" creed in his name was the firſt which had ever been
" decreed to any man in the gown: that all other
" thankſgivings had been appointed for ſome particular
" ſervices to the Republic, this alone for ſaving it [*i*]:
" that by the ſeizure of theſe accomplices, all CATI-
" LINE's hopes were blaſted at once; for when he was
" driving CATILINE out of the city, he foreſaw, that if
" he was once removed, there would be nothing to ap-
" prehend from the drowſineſs of LENTULUS, the fat of
" CASSIUS, or the raſhneſs of CETHEGUS:—that CATI-
" LINE was the life and ſoul of the conſpiracy; who
" never took a thing to be done, becauſe he had ordered
" it; but always followed, ſollicited, and ſaw it done
" himſelf: that if he had not driven him from his ſe-
" cret plots into open rebellion, he could never have de-
" livered the Republic from it's dangers, or never at
" leaſt with ſo much eaſe and quiet: that CATILINE
" would not have named the fatal day for their deſtruc-
" tion ſo long beforehand; nor ever ſuffered his hand
" and ſeal to be brought againſt him, as the manifeſt
" proof of his guilt; all which was ſo managed in his
" abſence, that no theft in any private houſe was ever
" more clearly detected than this whole conſpiracy:
" that all this was the pure effect of a divine influence;
" not onely for it's being above the reach of human
" counſil, but becauſe the Gods had ſo remarkably in-
" terpoſed in it, as to ſhew themſelves almoſt viſibly:
" for not to mention the nightly ſtreams of light from
" the

[*i*] Quod mihi primum poſt hanc urbem conditam togato contigit—quæ ſupplicatio, ſi cum cæteris conferatur, Quirites, hoc intereſt, quod cæteræ bene geſta, hæc una conſervata Republica conſtituta eſt. Ibid. 6.

" the weſtern ſky, the blazing of the heavens, flaſhes of " lightning, earthquakes, &c. he could not omit what " happened two years before, when the turrets of the " Capitol were ſtruck down with lightning; how the " ſoothſayers, called together from all *Etruria*, declared, " that fire, ſlaughter, the overthrow of the laws, civil " war, and the ruin of the city were portended, unleſs " ſome means were found out of appeaſing the Gods: " for which purpoſe they ordered a new and larger ſta- " tue of JUPITER to be made, and to be placed in a po- " ſition contrary to that of the former image, with it's " face turned towards the eaſt; intimating, that if it " looked towards the riſing Sun, the Forum, and the " Senate-houſe, then all plots againſt the ſtate would be " detected ſo evidently, that all the world ſhould ſee " them:—that upon this anſwer, the Conſuls of that " year gave immediate orders for making and placing " the ſtatue; but from the ſlow progreſs of the work, " neither they, nor their ſucceſſors, nor he himſelf, " could get it finiſhed till that very day; on which, " by the ſpecial influence of JUPITER, while the " conſpirators and witneſſes were carried through the " Forum to the Temple of CONCORD, in that very mo- " ment the ſtatue was fixed in it's place; and being " turned to look upon them and the Senate, both they " and the Senate ſaw the whole conſpiracy detected. " And can any man, ſays he, be ſuch an enemy to " truth, ſo raſh, ſo mad, as to deny, that all things " which we ſee, and above all, that this city is govern- " ed by the power and providence of the Gods [*k*]?" He procedes to obſerve, " that the conſpirators muſt " needs

[*k*] Ibid. 8, 9.

" needs be under a divine and judicial infatuation, and " could never have truſted affairs and letters of ſuch " moment to men barbarous and unknown to them, if " the Gods had not confounded their ſenſes: and that " the embaſſadors of a nation ſo diſaffected, and ſo able " and willing to make war upon them, ſhould ſlight " the hopes of dominion, and the advantageous offers " of men of Patrician rank, muſt needs be the effect of " a divine interpoſition; eſpecially when they might " have gained their ends, not by fighting, but by hold- " ing their tongues." He exhorts them therefore " to " celebrate that thankſgiving-day religiouſly with their " wives and children [*l*]. That for all his pains and " ſervices he deſired no other reward or honor, but the " perpetual remembrance of that day: in this he placed " all his triumphs and his glory, to have the memory of " that day eternally propagated to the ſafety of the " City, and the honor of his Conſulſhip; to have it " remembered, that there were two citizens living at " the ſame time in the Republic, the one of whom " was terminating the extent of the empire by the " bounds of the horizon itſelf; the other preſerving the " ſeat and center of that empire [*m*]. That his caſe " however was different from that of their Generals " abroad, who, as ſoon as they had conquered their " enemies, left them; whereas it was his lot to live " ſtill among thoſe whom he had ſubdued: that it " ought to be their care therefore to ſee, that the malice " of thoſe enemies ſhould not hurt him; and that what " he had been doing for their good ſhould not redound " to his detriment; tho' as to himſelf, he had no cauſe " to

[*l*] Ibid. 10. [*m*] Ibid 11.

" to fear any thing, ſince he ſhould be protected by the
" guard of all honeſt men, by the dignity of the Re-
" public itſelf, by the power of conſcience; which all
" thoſe muſt needs violate, who ſhould attempt to in-
" jure him: that he would never yield therefore to the
" audaciouſneſs of any, but even provoke and attack all
" the wicked and the profligate: yet if all their rage at
" laſt, when repelled from the people, ſhould turn ſin-
" gly upon him, they ſhould conſider what a diſcou-
" ragement it would be hereafter to thoſe, who ſhould
" expoſe themſelves to danger for their ſafety.——That
" for his part, he would ever ſupport and defend in his
" private condition what he had acted in his Conſulſhip,
" and ſhew, that what he had done was not the effect
" of chance, but of virtue: that if any envy ſhould be
" ſtirred up againſt him, it might hurt the envious, but
" advance his glory.——Laſtly, ſince it was now night,
" he bad them all go home, and pray to JUPITER the
" guardian of them and the city; and tho' the danger
" was now over, to keep the ſame watch in their houſes
" as before, for fear of any ſurprize; and he would
" take care, that they ſhould have no occaſion to do it
" any longer.

WHILE the priſoners were before the Senate, CICERO *deſired ſome of the Senators, who could write ſhort-hand, to take notes of every thing that was ſaid*; and when the whole examination was finiſhed and reduced into an act, *he ſet all the clerks at work to tranſcribe copies of it*, which he diſperſed preſently through *Italy* and all the Provinces, to prevent any invidious miſrepreſentation *of what was ſo clearly atteſted and confeſſed by the criminals themſelves*

themſelves [*n*], who for the preſent *were committed to the free cuſtody of the Magiſtrates and Senators of their acquaintance* [*o*], till the Senate ſhould come to a final reſolution about them. All this paſſed on *the third of December*, a day of no ſmall fatigue to CICERO, who, from break of day till the evening, ſeems to have been engaged, without any refreſhment, in examining the witneſſes and the criminals, and procuring the decree which was conſequent upon it; and when that was over, in giving a narrative of the whole tranſaction to the people, who were waiting for that purpoſe in the Forum. The ſame night his wife TERENTIA, *with the Veſtal Virgins and the principal matrons of Rome*, was performing at home, according to annual cuſtom, *the myſtic rites of the Goddeſs* BONA, *or the Good*, to which no male creature was ever admitted; and till that function was over, he was excluded alſo from his own houſe, and forced to retire to a neighbour's; where with a ſelect council of friends he began to deliberate about the method of puniſhing the traitors; when his wife came in all haſt to *inform him of a prodigy*, which had juſt happened amongſt them; *for the ſacrifice being over, and the fire of the altar ſeemingly extinct, a bright flame iſſued ſuddenly from the aſhes, to the aſtoniſhment of the company; upon which the Veſtal Virgins ſent her away, to require him to purſue what he had then in his thoughts for the good of his country, ſince the Goddeſs by this ſign had given great light to his ſafety and glory* [*p*].

IT

[*n*] Conſtitui Senatores, qui omnium indicum dicta, interrogata, reſponſa perſcriberent: deſcribi ab omnibus ſtatim librariis, dividi paſſim & pervulgari atque edi populo Romano imperavi——diviſi toti Italiæ, emiſi in omnes provincias. Pro Syll. 14, 15.

[*o*] Ut abdicato magiſtratu, Lentulus, itemque cæteri in liberis cuſtodiis habeantur. Itaque Lentulus, P. Lentulo Spintheri, qui tum Ædilis erat; Cethegus Cornificio, &c. Salluſt. 47.

[*p*] Plutarch. in Cic.

IT is not improbable, that this pretended *prodigy* was projected between CICERO and TERENTIA; whoſe ſiſter likewiſe being one of the *Veſtal Virgins*, and having the direction of the whole ceremony, might help to effect without ſuſpicion what had been privately concerted amongſt them. For it was of great uſe to CICERO, to poſſeſs the minds of the people, as ſtrongly as he could, with an apprehenſion of their danger, for the ſake of diſpoſing them the more eaſily to approve the reſolution, that he had already taken in his own mind, of putting the conſpirators to death.

THE day following, *the Senate ordered public rewards to the Embaſſadors and* VULTURCIUS *for their faithfull diſcoveries* [*q*]; and by the vigor of their procedings ſeemed to ſhew an intention of treating their priſoners with the laſt ſeverity. The city in the mean while was alarmed *with the rumor of freſh plots, formed by the ſlaves and dependents of* LENTULUS *and* CETHEGUS *for the reſcue of their maſters* [*r*]: which obliged CICERO to reinforce his guards, and for the prevention of all ſuch attempts, to put an end to the whole affair, by bringing the queſtion of their puniſhment, without farther delay, before the Senate; which he ſummoned for that purpoſe the next morning.

THE debate was of great delicacy and importance; to decide upon the lives of citizens of the firſt rank. Capital puniſhments were rare and ever odious in *Rome*, whoſe laws were of all others the leaſt ſanguinary; baniſhment, with confiſcation of goods, being the ordinary puniſhment for the greateſt crimes. The Senate indeed,

[*q*] Præmia legatis Allobrogum, Titoque Vulturcio dediſtis ampliſſima. In Catil. 4. 3.

[*r*] Liberti & pauci ex clientibus Lentuli opifices atque ſervitia in vicis ad eum eripiendum ſollicitabant.—Cethegus autem per nuncios familiam, atque libertos ſuos, lectos & exercitatos in audaciam orabat, ut, grege facto, cum telis ad ſeſe irrumperent. Salluſt. 50.

as it has been ſaid above, in caſes of ſudden and dangerous tumults, claimed the prerogative of puniſhing the leaders with death by the authority of their own decrees: but this was looked upon as a ſtretch of power, and an infringement of the rights of the people, which nothing could excuſe, but the neceſſity of times, and the extremity of danger. For there was an old law of PORCIUS LÆCA, a Tribun, *which granted to all criminals capitally condemned an appeal to the people*; and a later one of C. GRACCHUS, *to prohibit the taking away the life of any citizen without a formal hearing before the people* [*s*]: ſo that ſome Senators, who had concurred in all the previous debates, withdrew themſelves from this, to ſhew their diſlike of what they expected to be the iſſue of it, and *to have no hand in putting Roman citizens to death by a vote of the Senate* [*t*]. Here then was ground enough for CICERO's enemies to act upon, if extreme methods were purſued: he himſelf was aware of it, and ſaw, that the public intereſt called for the ſevereſt puniſhment, his private intereſt the gentleſt; yet he came reſolved to ſacrifice all regards for his own quiet to the conſideration of the public ſafety.

As ſoon therefore as he had moved the queſtion, *what was to be done with the conſpirators*; SILANUS, the *Conſul elect*, being called upon to ſpeak *the firſt*, adviſed, *that thoſe who were then in cuſtody, with the reſt who ſhould afterwards be taken, ſhould all be put to death* [*u*]. To this all who ſpoke after him readily aſſented, till it came to J. CÆSAR, then *Prætor elect*, who in an elegant and

[*s*] Porcia lex virgas ab omnium civium Romanorum corpore amovit—libertatem civium lictori eripuit—C. Gracchus legem tulit, ne de capite civium Romanorum injuſſu veſtro judicaretur. Pro Rabirio, 4.

[*t*] Video de iſtis, qui ſe populares haberi volunt, abeſſe non neminem, ne de capite videlicet Romani civis ſententiam ferat. In Catil. 4. 5.

[*u*] Salluſt. 50.

and elaborate ſpeech " treated that opinion, not as cruel; " ſince death, he ſaid, was not a puniſhment, but re- " lief to the miſerable, and left no ſenſe either of good " or ill beyond it; but as new and illegal, and contrary " to the conſtitution of the Republic, and tho' the hei- " nouſneſs of the crime would juſtify any ſeverity, yet " the example was dangerous in a free ſtate; and the " ſalutary uſe of arbitrary power in good hands, had " been the cauſe of fatal miſchiefs when it fell into bad; " of which he produced ſeveral inſtances, both in other " cities and their own: and tho' no danger could be " apprehended from theſe times, or ſuch a Conſul as " CICERO; yet in other times, and under another Con- " ſul, when the ſword was once drawn by a decree of " the Senate, no man could promiſe what miſchief it " might not do before it was ſheathed again: his opi- " nion therefore was, that the eſtates of the conſpirators " ſhould be confiſcated, and their perſons cloſely con- " fined in the ſtrong Towns of *Italy*; and that it " ſhould be criminal for any one to move the Senate or " the people for any favor towards them [*x*].

THESE *two contrary opinions* being propoſed, the next queſtion was, which of them ſhould take place: CÆSAR's had made a great impreſſion on the aſſembly, and *ſtaggered even* SILANUS, who began *to excuſe and mitigate* the ſeverity of his vote [*y*]; and CICERO's friends were going forwardly into it, as *likely to create the leaſt trouble to* CICERO *himſelf*, for whoſe future peace and ſafety they began to be ſollicitous [*z*]: when CICERO obſerving the inclination of the houſe, and riſing up to put the

[*x*] Ibid. 51.

[*y*] Ut Silanum, Conſulem deſignatum non piguerit ſententiam ſuam, quia mutare turpe erat, interpretatione lenire. Suet. J. Cæſ. 14.

[*z*] Plutarch. in Cic.

queſtion, made his fourth ſpeech, which now remains, on the ſubject of this tranſaction; in which he delivered his ſentiments with all the ſkill both of the Orator and the Stateſman; and while he ſeemed to ſhew a perfect neutrality, and to give equal commendation to both the opinions, was artfully laboring all the while to turn the ſcale in favor of SILANUS's, which he conſidered as a neceſſary example of ſeverity in the preſent circumſtances of the Republic.

HE declared, " That tho' it was a pleaſure to him to " obſerve the concern and ſollicitude which the Senate " had expreſſed on his account, yet he begged of them " to lay it all aſide, and, without any regard to him, " to think onely of themſelves and their families: that " he was willing to ſuffer any perſecution, if by his la- " bors he could ſecure their dignity and ſafety: that his " life had been oft attempted in the Forum, the field of " MARS, the Senate, his own houſe, and in his very " bed: that for their quiet he had digeſted many things " againſt his will without ſpeaking of them; but if the " Gods would grant that iſſue to his Conſulſhip, of ſav- " ing them from a maſſacre, the city from flames, all " *Italy* from war, let what fate ſoever attend himſelf, " he would be content with it [*a*]." He preſſes them therefore to " turn their whole care upon the State: " that it was not a GRACCHUS, or a SATURNINUS, who " was now in judgement before them; but Traitors, " whoſe deſign it was to deſtroy the City by fire, the " Senate and People by a maſſacre; who had ſollicited " the *Gauls* and the very ſlaves to join with them in " their treaſon, of which they had all been convicted by letters,

[*a*] In Catil. 4. 1.

" letters, hands, ſeals, and their own confeſſions [*b*].
" That the Senate, by ſeveral previous acts, had already
" condemned them; by their public thanks to him; by
" depoſing LENTULUS from his Prætorſhip: by commit-
" ting them to cuſtody; by decreeing a thankſgiving;
" by rewarding the witneſſes: but as if nothing had
" yet been done, he reſolved to propoſe to them anew
" the queſtion both of the fact and the puniſhment:
" that whatever they intended to do, it muſt be deter-
" mined before night: for the miſchief was ſpread wider
" than they imagined; had not onely infected *Italy*,
" but croſſed the *Alps*, and ſeized the Provinces: that
" it was not to be ſuppreſſed by delay and irreſolution,
" but by quick and vigorous meaſures [*c*]: that there
" were two opinions now before them; the firſt, of
" SILANUS, for putting the criminals to death: the ſe-
" cond, of CÆSAR, who, excepting death, was for every
" other way of puniſhing; each, agreeably to his dignity,
" and the importance of the cauſe, was for treating them
" with the laſt ſeverity: the one thought, that thoſe,
" who had attempted to deprive them all of life, and to
" extinguiſh the very name of *Rome*, ought not to en-
" joy the benefit of living a moment; and he had
" ſhewed withal, that this puniſhment had often been
" inflicted on ſeditious citizens: the other imagined,
" that death was not deſigned by the Gods for a pu-
" niſhment, but the cure of our miſeries; ſo that the
" wiſe never ſuffered it unwillingly, the brave often
" ſought it voluntarily; but that bonds and impriſon-
" ment, eſpecially if perpetual, were contrived for the
" puniſhment of deteſtable crimes: theſe therefore he
" ordered

[*b*] Ibid. 2. [*c*] Ibid. 3.

" ordered to be provided for them in the great Towns
" of *Italy*: yet in this propoſal there ſeemed to be ſome
" injuſtice, if the Senate was to impoſe that burthen
" upon the Towns, or ſome difficulty, if they were one-
" ly to deſire it: yet if they thought fit to decree it,
" he would undertake to find thoſe, who would not re-
" fuſe to comply with it for the public good: that
" CÆSAR, by adding a penalty on the Towns if any of
" the criminals ſhould eſcape, and injoining ſo horrible
" a confinement without a poſſibility of being releaſed
" from it, had deprived them of all hope, the onely
" comfort of unhappy mortals: he had ordered their
" eſtates alſo to be confiſcated, and left them nothing
" but life; which if he had taken away, he would have
" eaſed them at once of all farther pain, either of mind
" or body: for it was on this account that the ancients
" invented thoſe infernal puniſhments of the dead; to
" keep the wicked under ſome awe in this life, who
" without them would have no dread of death itſelf [*d*].
" That for his own part, he ſaw how much it was his
" intereſt that they ſhould follow CÆSAR's opinion, who
" had always purſued popular meaſures; and by being
" the author of that vote, would ſecure him from any
" attack of popular envy: but if they followed SILANUS's,
" he did not know what trouble it might create to
" himſelf; yet that the ſervice of the Republic ought
" to ſuperſede all conſiderations of his danger: that
" CÆSAR, by this propoſal, had given them a perpetual
" pledge of his affection to the State; and ſhewed the
" difference between the affected lenity of their dayly
" declamers

[*d*] Itaque ut aliqua in vita formido improbis eſſet poſita, apud inferos ejuſmodi quædam illi antiqui ſupplicia impiis conſtituta eſſe voluerunt, quod videlicet intelligebant, his remotis, non eſſe mortem ipſam pertimeſcendam. Ib. 4.

" declamers and a mind truly popular, which ſought
" nothing but the real good of the people: that he
" could not but obſerve, that one of thoſe, who valude
" themſelves on being popular, had abſented himſelf from
" this day's debate, that he might not give a vote upon
" the life of a citizen; yet by concurring with them in
" all their previous votes, he had already paſſed a judge-
" ment on the merits of the cauſe: that as to the ob-
" jection urged by CÆSAR, of GRACCHUS's law, forbid-
" ding to put citizens to death, it ſhould be remember-
" ed, that thoſe, who were adjudged to be enemies,
" could no longer be conſidered as Citizens; and that
" the author of that law had himſelf ſuffered death by
" the order of the people: that ſince CÆSAR, a man of
" ſo mild and merciful a temper, had propoſed ſo ſe-
" vere a puniſhment, if they ſhould paſs it into an act,
" they would give him a partner and companion, who
" would juſtify him to the people; but if they preferred
" SILANUS's opinion, it would be eaſy ſtill to defend
" both them and himſelf from any imputation of cru-
" elty: for he would maintain it, after all, to be the
" gentler of the two; and if he ſeemed to be more
" eager than uſual in this cauſe, it was not from any
" ſeverity of temper, for no man had leſs of it, but out
" of pure humanity and clemency."—Then after form-
ing a moſt dreadful image of " the city reduced to aſhes,
" of heaps of ſlaughtered citizens, of the cries of mo-
" thers and their infants, the violation of the Veſtal
" Virgins, and the conſpirators inſulting over the ruins
" of their country;" he affirms it to be " the greateſt
" cruelty to the Republic, to ſhew any lenity to the
" authors of ſuch horrid wickedneſs; unleſs they would

" call L. CÆSAR cruel, for declaring the other day in
" the Senate, that LENTULUS, who was his ſiſter's huſ-
" band, had deſerved to die: that they ought to be
" afraid rather of being thought cruel for a remiſsneſs
" of puniſhing, than for any ſeverity which could be
" uſed againſt ſuch outrageous enemies: that he would
" not conceal from them what he had heard to be pro-
" pagated through the city, that they had not ſufficient
" force to ſupport and execute their ſentence [*e*]: but
" he aſſured them, that all things of that kind were
" fully provided; that the whole body of the people
" was aſſembled for their defenſe; that the Forum, the
" Temples, and all the avenues of the Senate were poſ-
" ſeſſed by their friends; that the Equeſtrian order vied
" with the Senate itſelf in their zeal for the Republic;
" whom, after a diſſenſion of many years, that day's
" cauſe had entirely reconciled and united with them;
" and if that union, which his Conſulſhip had confirm-
" ed, was preſerved and perpetuated, he was confident,
" that no civil or domeſtic evil could ever again diſturb
" them [*f*]. That if any of them were ſhocked by the
" report of LENTULUS's agents running up and down
" the ſtreets, and ſolliciting the needy and ſilly to make
" ſome effort for his reſcue; the fact indeed was true,
" and the thing had been attempted; but not a man was
" found ſo deſperate, who did not prefer the poſſeſſion
" of his ſhed, in which he worked, his little hut and
" bed in which he ſlept, to any hopes of change from
" the public confuſion: for all their ſubſiſtence depend-
" ed on the peace and fullneſs of the city; and if their
" gain would be interrupted by ſhutting up their ſhops,
" how

[*e*] Ibid. 6. [*f*] Ibid. 7.

" how much more would it be ſo by burning them?—
" Since the people then were not wanting in their zeal
" and duty towards them, it was their part not to be
" wanting to the people [*g*], That they had a Conſul
" ſnatched from various dangers and the jaws of death,
" not for the propagation of his own life, but of their
" ſecurity; ſuch a Conſul, as they would not always
" have, watchfull for them, regardleſs of himſelf: they
" had alſo, what was never known before, the whole
" Roman people of one and the ſame mind: that they
" ſhould reflect how one night had almoſt demoliſhed
" the mighty fabric of their empire, raiſed by ſuch pains
" and virtue of men, by ſuch favor and kindneſs of the
" Gods: that by their behaviour on that day they were
" to provide, that the ſame thing ſhould not onely
" never be attempted, but not ſo much as thought of
" again by any citizen [*b*]. That as to himſelf, tho' he
" had now drawn upon him the enmity of the whole
" band of conſpirators, he looked upon them as a baſe,
" abject, contemptible faction; but if, through the mad-
" neſs of any, it ſhould ever riſe again, ſo as to prevail
" againſt the Senate and the Republic, yet he ſhould
" never be induced to repent of his preſent conduct;
" for death, with which perhaps they would threaten
" him, was prepared for all men; but none ever ac-
" quired that glory of life, which they had conferred
" upon him by their decrees: for to all others they de-
" creed thanks for having ſerved the Republic ſucceſs-
" fully; to him alone for having ſaved it. He hoped
" therefore, that there might be ſome place for his name
" among the SCIPIO's, PAULLUS's, MARIUS's, POMPEY's;

[*g*] Ibid. 8. [*b*] Ibid. 9.

" unleſs it were thought a greater thing to open their
" way into new Provinces, than to provide, that their
" conquerors ſhould have a home at laſt to return to:
" that the condition however of a foreign victory was
" much better than of a domeſtic one; ſince a foreign
" enemy, when conquered, was either made a ſlave or
" a friend: but when citizens once turn rebels, and are
" baffled in their plots, one can neither keep them quiet
" by force, nor oblige them by favors: that he had
" undertaken therefore an eternal war with all traiter-
" ous citizens; but was confident, that it would never
" hurt either him or his, while the memory of their
" paſt dangers ſubſiſted, or that there could be any
" force ſtrong enough to overpower the preſent union of
" the Senate and the Knights [*i*]: That in lieu therefore
" of the command of armies and provinces, which he
" had declined; of a Triumph and all other honors,
" which he had refuſed; he required nothing more
" from them, than the perpetual remembrance of his
" Conſulſhip: while that continued fixed in their
" minds, he ſhould think himſelf impregnable, but if
" the violence of the factious ſhould ever defeat his
" hopes, he recommended to them his infant ſon, and
" truſted, that it would be a ſufficient guard, not onely
" of his ſafety, but of his dignity, to have it remem-
" bered, that he was the ſon of one, who, at the ha-
" zard of his own life, had preſerved the lives of them
" all." He concldues, by exhorting them to " act with
" the ſame courage which they had hitherto ſhewn
" through all this affair, and to procede to ſome reſo-
" lute and vigorous decree; ſince their lives and liber-
" ties,

[*i*] Ibid. 10.

" ties, the ſafety of the City, of *Italy*, and the whole " Empire depended upon it.

THIS ſpeech had the deſired effect; and CICERO, by diſcovering his own inclination, gave a turn to the inclination of the Senate; when CATO, one of *the new Tribuns*, roſe up, and *after extolling* CICERO *to the ſkies* [*k*], and recommending to the aſſembly the authority of his example and judgement, proceded to declare, agreeably to his temper and principles, " That he was " ſurprized to ſee any debate about the puniſhment of " men, who had begun an actual war againſt their " country: that their deliberation ſhould be, how to " ſecure themſelves againſt them, rather than how to " puniſh them: that other crimes might be puniſhed " after commiſſion, but unleſs this was prevented before " it's effect, it would be vain to ſeek a remedy after: " that the debate was not about the public revenues, or " the oppreſſions of the allies, but about their own " lives and liberties; not about the diſcipline or man- " ners of the city, on which he had oft delivered his " mind in that place; nor about the greatneſs or proſ- " perity of their empire; but whether they or their " enemies ſhould poſſeſs that empire; and in ſuch a caſe " there could be no room for mercy: that they had " long ſince loſt and confounded the true names of " things: to give away other people's money was called " generoſity; and to attempt what was criminal, forti- " tude. But if they muſt needs be generous, let it be " from the ſpoils of the allies; if merciful, to the plun- " derers of the treaſury; but let them not be prodigal

 " of

[*k*] Quæ omnia quia Cato laudibus extulerat in cœlum. [Ep. ad Att. 12. 21.] ita Conſulis virtutem amplificavit, ut univerſus Senatus in ejus ſententiam tranſiret. Vell. Pat. 2. 35.

" of the blood of Citizens, and by ſparing a few bad
" deſtroy all the good: That CÆSAR indeed had
" ſpoken well and gravely concerning life and death?
" taking all infernal puniſhments for a fiction, and or-
" dering the criminals therefore to be confined in the
" corporate Towns; as if there was not more danger
" from them in thoſe Towns, than in *Rome* itſelf; and
" more encouragement to the attempts of the deſperate,
" where there was leſs ſtrength to reſiſt them: ſo that
" his propoſal could be of no uſe, if he was really afraid
" of them; but if in the general fear he alone had
" none, there was the more reaſon for all the reſt to be
" afraid for themſelves: that they were not deliberating
" on the fate onely of the conſpirators, but of CATI-
" LINE's whole army, which would be animated or de-
" jected in proportion to the vigor or remiſsneſs of their
" decrees: That it was not the arms of their anceſtors,
" which made *Rome* ſo great, but their diſcipline and
" manners, which were now depraved and corrupted:
" that in the extremity of danger it was a ſhame to
" ſee them ſo indolent and irreſolute, waiting for each
" other to ſpeak firſt, and truſting, like women, to the
" Gods, without doing any thing for themſelves: that
" the help of the Gods was not to be obtained by idle
" vows and ſupplications: that ſucceſs attended the vi-
" gilant, the active, the provident; and when people
" gave themſelves up to ſloth and lazineſs, it was in
" vain for them to pray; they would find the Gods
" angry with them: that the flagitious lives of the cri-
" minals confuted every argument of mercy: that CA-
" TILINE was hovering over them with an army, while
" his accomplices were within the walls, and in the very

" heart

" heart of the city; ſo that whatever they determined,
" it could not be kept ſecret, which made it the more
" neceſſary to determine quickly. Wherefore his opi-
" nion was, that ſince the criminals had been convict-
" ed, both by teſtimony and their own confeſſion, of a
" deteſtable treaſon againſt the Republic, they ſhould
" ſuffer the puniſhment of death, according to the cuſ-
" tom of their anceſtors [*l*].

CATO's authority, added to the impreſſion which CICERO had already made, put an end to the debate; and the Senate, applauding his vigor and reſolution, reſolved upon a decree in conſequence of it [*m*]. And tho' SILANUS had firſt propoſed that opinion, and was followed in it by *all the Conſular Senators*, yet they ordered the decree to be drawn *in* CATO's *words*, *becauſe he had delivered himſelf more fully and explicitely upon it than any of them* [*n*]. The vote was no ſooner paſſed, than CICERO reſolved to put it in execution, leſt the night, which was coming on, ſhould produce any new diſturbance: he went directly therefore from the Senate, attended by a numerous guard of friends and citizens, and took LENTULUS *from the cuſtody of his kinſman* LENTULUS SPINTHER, and conveyed him through the Forum to the common priſon, *where he delivered him to the executioners, who preſently ſtrangled him.* The other conſpirators, CETHEGUS, STATILIUS, and GABINIUS, were conducted to their execution *by the Prætors*, and put to death in the ſame manner, together with CEPARIUS, the onely one of their accomplices who was taken after the examination [*o*], When the affair was over, CICERO

was

[*l*] Salluſt. 52.
[*m*] Ibid. 53.
[*n*] Idcirco in ejus ſententiam eſt facta diſceſſio. Ad Att. 12. 21.
[*o*] Salluſt. 55.

was conducted home in a kind of triumph by the whole body of the Senate and the Knights; the ſtreets being all illuminated, and the women and children at the windows, and on the tops of houſes, to ſee him paſs along through infinite acclamations of the multitude proclaming him their ſaviour and deliverer [*p*].

THIS was *the fifth of December, thoſe celebrated Nones*, of which CICERO uſed to boaſt ſo much ever after, as the moſt glorious day of his life: and it is certain, that *Rome* was indebted to him on this day for one of the greateſt deliverances which it had ever received ſince it's foundation; and which nothing perhaps but his vigilance and ſagacity could have ſo happily effected: for from the firſt alarm of the plot, *he never reſted night or day, till he had got full information of the cabals and counſils of the conſpirators* [*q*]: by which he eaſily baffled all their projects, and played with them as he pleaſed; and without any riſk to the public could draw them on juſt far enough to make their guilt manifeſt, and their ruin inevitable. But his maſter-piece was the driving CATILINE *out of Rome*, and teizing him as it were into a rebellion before it was ripe, in hopes that by carrying out with him his accomplices, he would clear the city at once of the whole faction; or by leaving them behind without his head to manage them, would expoſe them to ſure deſtruction by their own folly, for CATILINE's chief truſt was not on the open force which he had provided in the field, but on the ſucceſs of his ſecret practices in *Rome*, and on making himſelf maſter of the city; the credit of which would have engaged to him

[*p*] Plutarch. in Cic.

[*q*] In eo omnes dies, noctesque conſumpſi, ut quid agerent, quid molirentur, ſentirem ac viderem. In Catil. 3. 2.

him of courſe all the meaner ſort, and induced all others through *Italy*, who wiſhed well to his cauſe, to declare for him immediately: ſo that when this apprehenſion was over, by the ſeizure and puniſhment of his aſſociates, the Senate thought the danger at an end, and that they had nothing more to do, but to vote *thankſgivings and feſtivals*; looking upon CATILINE's *army* as a crew onely of fugitives, or banditti, whom their forces were ſure to deſtroy whenever they could meet with them.

BUT CATILINE was in condition ſtill to make a ſtouter reſiſtance than they imagined: he had filled up his troops to the number of *two legions*, or about *twelve thouſand fighting men*; of which *a fourth part onely was completely armed*, the reſt furniſhed with what chance offered, *darts*, *lances*, *clubs*. He refuſed at firſt *to enliſt ſlaves*, who flocked to him in great numbers, truſting to the proper ſtrength of the conſpiracy, and knowing that he ſhould quickly have ſoldiers enough, if his friends performed their part at home [*r*]. So that when the Conſul ANTONIUS approached towards him with his army, he ſhifted his quarters, and made frequent motions and marches through the mountains, *ſometimes towards Gaul, ſometimes towards the City*, in order to avoid an engagement till he could hear ſome news from *Rome*: but when the fatal account came, *of the death of* LENTULUS *and the reſt*, the face of his affairs began preſently to change, and his army to dwindle apace, by the deſertion of thoſe, whom the hopes of victory and plunder had invited to his camp. His firſt attempt therefore was by long marches and private roads through *the*

[*r*] Sperabat propediem magnas copias ſe habiturum, ſi Romæ ſocii incepta patraviſſent——interea ſervitia repudiabat. Salluſt. 56.

the Appennine, to make his eſcape into Gaul: but Q. METELLUS, who had been ſent thither before by CICERO, imagining that he would take that reſolution, had ſecured all the paſſes, and poſted himſelf ſo advantageouſly with an army of *three Legions*, that it was impoſſible for him to force his way on that ſide; whilſt on the other, the Conſul ANTONIUS with a much greater force blocked him up behind, and encloſed him within the mountains [*s*]. ANTONIUS himſelf had no inclination to fight, or at leaſt with CATILINE; but would willingly have given him an opportunity to eſcape, had not his Quæſtor SEXTIUS, who was CICERO's creature, and his Lieutenant PETREIUS, *urged him on againſt his will to force* CATILINE *to the neceſſity of a battle* [*t*]: who ſeeing all things deſperate, and nothing left but either to die or conquer, reſolved to try his fortune againſt ANTONIUS, tho' much the ſtronger, rather than METELLUS; in hopes ſtill, *that out of regard to their former engagements, he might poſſibly contrive ſome way at laſt of throwing the victory into his hands* [*u*]. But ANTONIUS happened to be ſeized at that very time *with a fit of the Gout*, or pretended at leaſt to be ſo, that he might have no ſhare in the deſtruction of an old friend; ſo that the command fell of courſe to a much better ſoldier and honeſter Man, PETREIUS; who, after a ſharp and bloody action, in which *he loſt a conſiderable part of his beſt troops, deſtroyed* CATILINE *and his whole army, fighting*

[*s*] Ibid. 57.

[*t*] Hoc breve dicam: Si M. Petreii non excellens animo & amore Reip. virtus, non ſumma auctoritas apud milites, non mirificus uſus in re militari extitiſſet, neque adjutor ei P. Sextius ad excitandum Antonium, cohortandum, ac impellendum fuiſſet, datus illo in bello eſſet hiemi locus, &c. Sextius, cum ſuo exercitu, ſumma celeritate eſt Antonium conſecutus. Hic ego quid prædicem, quibus rebus Conſulem ad rem gerendam excitarit; quot ſtimulos admoverit, &c. Pro Sext. 5.

[*u*] Αἴλιον δὲ, ὅτι ἐλπίδα αὐτῷ καὶὰ τὸ συνωμολὸν ἐθελοκακήσειν ἔσχεν. Dio, l. 37. p. 47.

fighting deſperately to the laſt man [x]. They all fell in the very ranks in which they ſtood, and, as if inſpired with the genuin ſpirit of their leader, fought not ſo much to conquer, as to ſell their lives as dear as they could, and, as CATILINE had threatened in the Senate, to mingle the public calamity with their own ruin.

THUS ended this famed conſpiracy; in which ſome of the greateſt men in *Rome* were ſuſpected to be privately engaged, particularly CRASSUS and CÆSAR: they were both influenced by the ſame motive, and might hope perhaps, by their intereſt in the city, to advance themſelves, in the general confuſion, to that ſoverein power which they aimed at. CRASSUS, who had always been CICERO's enemy, by an officiouſneſs *of bringing letters and intelligence* to him during the alarm of the plot, ſeemed to betray a conſciouſneſs of ſome guilt [y]; and CÆSAR's whole life made it probable, that there could hardly be any plot in which he had not ſome ſhare; and in this, there was ſo general a ſuſpicion upon him, eſpecially after his ſpeech in favor of the criminals, that he had ſome difficulty to *eſcape with life from the rage of the Knights, who guarded the avenues of the Senate; where he durſt not venture to appear any more, till he entered upon his Prætorſhip with the new year* [z]. CRASSUS was actually accuſed by one TARQUINIUS, who was taken upon the road as he was going to CATILINE, and upon promiſe of pardon made a diſcovery of what he knew: where after confirming what

[x] Salluſt. 59.

[y] Plutarch. in Cic.

[z] Uti nonnulli Equites Romani, qui præſidii cauſa cum telis erant circum ædem Concordiæ——egredienti ex Senatu Cæſari gladio minitarentur. Salluſt. 49. Vix pauci complexu, togaque objecta protexerint. Tunc plane deterritus non modo ceſſit, ſed etiam in reliquum anni tempus curia abſtinuit. Sueton. J. Cæſ. 14.

the other witneſſes had depoſed, he added, *that he was ſent by* CRASSUS *to* CATILINE, *with advice to him, not to be diſcouraged by the ſeizure of his accomplices, but to make the greater haſt for that reaſon to the city, in order to reſcue them, and revive the ſpirits of his other friends.* At the name of CRASSUS the Senate was ſo ſhocked, that they would hear the man no farther; but calling upon CICERO to put the queſtion, and take the ſenſe of the houſe upon it, they voted TARQUINIUS's *evidence to be falſe, and ordered him to be kept in chains, nor to be produced again before them, till he would confeſs who it was that had ſuborned him* [*a*]. CRASSUS declared afterwards in the hearing of SALLUST, *that* CICERO *was the contriver of this affront upon him* [*b*]. But that does not ſeem probable; ſince it was CICERO's conſtant maxim, as he frequently intimates in his ſpeeches, *to mitigate and reclame all men of credit by gentle methods, rather than make them deſperate by an unſeaſonable ſeverity; and in the general contagion of the city, not to cut off, but to heal every part that was curable.* So that when ſome information was given likewiſe againſt CÆSAR, he choſe to ſtifle it, *and could not be perſuaded to charge him with the plot, by the moſt preſſing ſollicitations of* CATULUS *and* PISO, *who were both his particular enemies, the one for the loſs of the High-Prieſthood, the other for the impeachment above mentioned* [*c*].

WHILST the ſenſe of all theſe ſervices was freſh, CICERO was repaid for them to the full ſo his wiſhes, and in the very way that he deſired, by the warm and gratefull applauſes of all orders of the city. For beſides the honors

[*a*] Salluſt. 48.

[*b*] Ipſum Craſſum ego poſtea prædicantem audivi, tantam illam contumeliam ſibi a Cicerone impoſitam. Ibid.

[*c*] Appian. bell. civ. l. 2. p. 430, Salluſt. 49.

honors already mentioned, L. GELLIUS, who had been *Conſul and Cenſor*, ſaid in a ſpeech to the Senate, *that the Republic owed him a Civic Crown, for having ſaved them all from ruin* [*d*]: and CATULUS in a full houſe declared him *the Father of his Country* [*e*]; as CATO likewiſe did *from the Roſtra, with the loud acclamations of the whole people* [*f*]: whence PLINY, in honor of his memory, cries out, *Hail thou, who was firſt ſaluted the Parent of thy Country* [*g*]. This title, the moſt glorious which a mortal can wear, was from this precedent uſurped afterwards by thoſe, who of all mortals deſerved it the leaſt, *the Emperors*; proud to extort from ſlaves and flatterers, what CICERO obtained from the free vote of the Senate and People of *Rome*.

——————*Roma parentem,*
Roma Patrem Patriæ Ciceronem libera dixit.

Juv. 8.

Thee, CICERO, *Rome while free, nor yet enthrall'd*
To Tyrant's will, thy Country's Parent call'd.

All the Towns of *Italy* followed the example of the metropolis, in decreeing extraordinary honors to him; and CAPUA *in particular choſe him their Patron, and erected a gilt ſtatue to him* [*h*].

SALLUST, who allows him the character of *an excellent Conſul*, ſays not a word of any of theſe honors, nor gives him any greater ſhare of praiſe, than what could

[*d*] L. Gellius, his audientibus, civicam coronam deberi a Republica dixit. In Piſon. 3. it. A. Gell. 5. 6.

[*e*] Me Q. Catulus, princeps hujus ordinis, frequentiſſimo Senatu PARENTEM PATRIÆ nominavit. In Piſ. 3.

[*f*] Plutarch. in Cic.—Κάτωνος δ' ἀυτὸν καὶ πατέρα τῆς πατρίδος προσαγορεύσαντος, ἐπεβόησεν ὁ δῆμος. Appian. p. 431.

[*g*] Salve, primus omnium PARENS PATRIÆ appellate, &c. Plin. Hiſt. N. 7. 30.

[*h*] Me inaurata ſtatua donarunt; me patronum unum adſciverant. In Piſ. 11.

not be diſſembled by an Hiſtorian. There are two obvious reaſons for this reſervedneſs; firſt, the perſonal enmity, which according to tradition ſubſiſted between them; ſecondly, the time of publiſhing his hiſtory, in *the reign of* AUGUSTUS, while *the name of* CICERO was ſtill obnoxious to envy. The other Conſul ANTONIUS had but a ſmall ſhare of the thanks and honors which were decreed upon this occaſion: he was known to have been embarked in the ſame cauſe with CATILINE, and conſidered as acting onely under a tutor, and doing penance as it were for paſt offences: ſo that all the notice, which was taken of him by the Senate, was, to pay him the ſlight compliment above mentioned, *for having removed his late profligate companions from his friendſhip and councils* [*i*].

CICERO made *two new laws* this year; the one, as it has been ſaid, *againſt bribery in elections*; the other, *to correct the abuſe of a privilege called* Legatio libera; that is, an honorary Legation or Embaſſy, granted arbitrarily by the Senate to any of it's members, when they travelled abroad on their private affairs, in order to give them *a public character, and a right to be treated as Embaſſadors or Magiſtrates*; which, by the inſolence of theſe great gueſts, was become a grievous burthen upon all the States and Cities through which they paſſed. CICERO's *deſign was to aboliſh it*; but being driven from that *by one of the Tribuns*, he was content *to reſtrain the continuance of it*, which before was unlimited, *to the term of one year* [*k*].

AT

[*i*] Atque etiam collegæ meo laus impertitur, quod eos qui hujus conjurationis participes fuiſſent, a ſuis & a Reip. conſiliis removiſſet. In Catil. 3, 6.

[*k*] Jam illud apertum eſt, nihil eſſe turpius, quam quenquam legari niſi Reipub. cauſa—quod quidem genus legationis ego Conſul, quanquam ad commodum Senatus pertinere videatur.

AT his firſt entrance into his office, L, LUCULLUS was ſolliciting *the demand of a triumph for his victories over* MITHRIDATES, in which he had been *obſtructed for three years ſucceſſively by the intrigues of ſome of the Magiſtrates* [*l*], who paid their court to POMPEY, by putting this affront upon his rival. By the law and cuſtom of the Republic, no General, while he was in actual command, *could come within the gates of Rome*, without forfeiting his commiſſion, and conſequently all pretenſions to a triumph; ſo that LUCULLUS continued all this time in the ſuburbs, till the affair was decided. The Senate favored his ſuit, and were *ſollicitors for him* [*m*], but could not prevail, *till* CICERO's *authority at laſt helped to introduce his triumphal carr into the city* [*n*]; making him ſome amends by this ſervice for the injury of *the Manilian law*, which had deprived him of his Government. After his triumph he entertained *the whole Roman people with a ſumptuous feaſt*, and was much careſſed *by the Nobility, as one whoſe authority would be a proper check to the ambition and power of* POMPEY: but having now obtained all the honors, which he could reaſonably hope for in life, and obſerving the turbulent and diſtracted ſtate of the city, *he withdrew himſelf not long after from public affairs*, to ſpend the remainder of his days in a polite and ſplendid retreat [*o*]. He was a generous patron of learning, and himſelf eminently learned; ſo that his houſe was the conſtant reſort of the principal

videatur, tamen adprobante Senatu frequentiſſimo, niſi mihi levis Tribunus plebis tum interceſſiſſet, ſubſtuliſſem: minui tamen tempus, & quod erat infinitum, annuum feci. De leg. 3. 8.

[*l*] Plutarch. in Lucull.

[*m*] Ibid.

[*n*] Cum victor a Mithridatico bello revertiſſet, inimicorum calumnia triennio tardius, quam debuerat, triumphavit. Nos enim Conſules introduximus pæne in urbem currum clariſſimi viri. Academ. l. 2. 1.

[*o*] Plutarch. in Lucull.

principal ſcholars and wits of *Greece* and *Rome*; where he had provided a well-furniſhed library, with porticos and galleries annexed, for the convenience of walks and literary conferences, at which he himſelf uſed frequently to aſſiſt; giving an example to the world of a life truly noble and elegant, if it had not been ſullied by too great a tincture of *Aſiatic* ſoftneſs and *Epicurean* luxury.

AFTER this act of juſtice to LUCULLUS, CICERO had an opportunity, before the expiration of his Conſulſhip, to pay all due honor likewiſe to his friend POMPEY; who, ſince he laſt left *Rome*, had glorioufly finiſhed *the Piratic and the Mithridatic* war, by the deſtruction of MITHRIDATES himſelf: upon the receipt of which news, *the Senate*, at the motion of CICERO, *decreed a public thankſgiving in his name of ten days; which was twice as long as had ever been decreed before to any General, even to* MARIUS *himſelf, for his Cimbric victory* [*p*].

BUT before we cloſe the account of the memorable events of this year, we muſt not omit the mention of one, which diſtinguiſhed it afterwards as a particular Æra in the annals of *Rome, the birth of* OCTAVIUS, ſurnamed AUGUSTUS, which happened on the twenty-third of *September*. VELLEIUS calls it an *acceſſion of glory to* CICERO's *Conſulſhip* [*q*]: but it excites ſpeculations rather of a different ſort; *on the inſcrutable methods of providence, and the ſhort-ſighted policy of man*; that in the moment when *Rome* was preſerved from deſtruction, and it's liberty thought to be eſtabliſhed more firmly than ever, an infant ſhould be thrown into the world, who, within

[*p*] Quo Conſule referente, primum decem dierum ſupplicatio decreta Cn. Pompeio Mithridate interfecto; cujus ſententiam primum duplicata eſt ſupplicatio Conſularis. De provinc. Conſular. xi.

[*q*] Conſulatui Ciceronis non mediocre adjecit decus, natus eo anno D. Auguſtus. Vell. 2. 36. Suet. c. 5. Dio, p. 590.

within the courſe of twenty years, effected what CATILINE had attempted, and deſtroyed both CICERO and the Republic. If *Rome* could have been ſaved by human counſil, it would have been ſaved by the ſkill of CICERO: but it's deſtiny was now approaching: for Governments, like natural bodies, have, with the principles of their preſervation, the ſeeds of ruin alſo eſſentially mixt in their conſtitution, which after a certain period begin to operate and exert themſelves to the diſſolution of the vital frame. Theſe ſeeds had long been fermenting in the bowels of the Republic; when OCTAVIUS came, peculiarly formed by nature and inſtructed by art, to quicken their operation and exalt them to their maturity.

CICERO's adminiſtration was now at an end, and nothing remained but to reſign the Conſulſhip, according to cuſtom, in an aſſembly of the people, and to take the uſual oath, *of his having diſcharged it with fidelity.* This was generally accompanied with a ſpeech from *the expiring Conſul*; and after ſuch a year, and from ſuch a ſpeaker, the City was in no ſmall expectation of what CICERO would ſay to them: but METELLUS, one of the new Tribuns, who affected commonly to open their magiſtracy by ſome remarkable act, as a ſpecimen of the meaſures which they intended to purſue, reſolved to diſappoint both the Orator and the audience: for when CICERO had mounted *the Roſtra*, and was ready to perform this laſt act of his office, *the Tribun would not ſuffer him to ſpeak, or to do any thing more, than barely take the oath*; declaring, *that he, who had put Citizens to death unheard, ought not to be permitted to ſpeak for himſelf:* upon which CICERO, who was never at a loſs, inſtead of pronouncing the ordinary form of the oath,

exalting

exalting the tone of his voice, ſwore out aloud, ſo as all the people might hear him, *that he had ſaved the Republic and the City from ruin*; which the multitude below confirmed with an univerſal ſhout, and with one voice cried out, *that what he had ſworn was true* [r]. Thus the intended affront was turned, by his preſence of mind, to his greater honor; and he was conducted from the Forum to his houſe, with all poſſible demonſtrations of reſpect by *the whole City*.

[r] Ego cum in concione, abiens magiſtratu, dicere a Tribuno plebis prohiberer, quæ conſtitueram: cumque is mihi, tantummodo ut jurarem, permitteret, ſine ulla dubitatione juravi, rempublicam atque hanc urbem mea unius opera eſſe ſalvam. Mihi populus Romanus univerſus non unius diei gratulationem, ſed æternitatem immortalitatemque donavit, cum meum jusjurandum tale atque tantum juratus ipſe una voce & conſenſu approbavit. Quo quidem tempore is meus domum fuit e foro reditus, ut nemo, niſi qui mecum eſſet, civium eſſe in numero videretur. In Piſon. 3.

Cum ille mihi nihil niſi ut jurarem permitteret, magna voce juravi veriſſimum pulcherrimumque jusjurandum: quod populus item magna voce me vere juraſſe juravit. Ep. fam. 5. 2.

Etenim paullo ante in concione dixerat, ei, qui in alios animadvertiſſet indicta cauſſa, dicendi ipſi poteſtatem fieri non oportere. Ibid.





SECT. IV.

CICERO being now reduced to the condition of a private Senator, was to take his place on that venerable *bench of Conſulars*, who were juſtly reckoned the firſt Citizens of the Republic. They delivered their opinions the firſt always in the Senate; and commonly determined the opinions of the reſt: for as they had paſſed through all the public offices, and been converſant in every branch of the adminiſtration, ſo their experience gave them great authority in all debates; and having little or nothing farther to expect for themſelves, they were eſteemed not onely the moſt knowing, but, generally ſpeaking, the moſt diſintereſted of all the other Senators, and to have no other view in their deliberations, but the peace and proſperity of the Republic.

A. Urb. 691. Cic. 45. Coſſ. D. JUNIUS SILANUS, L. LICINIUS MURENA.

A. Urb. 691. Cic. 45. Coſſ. D. Junius Silanus, L. Licinius Murena.

This was a ſtation exactly ſuited to Cicero's temper and wiſhes; he deſired no foreign governments, or command of armies; his province was the Senate and the Forum; to guard as it were the vitals of the empire, and to direct all it's counſils to their proper end, the general good; and in this advanced poſt of *a Conſular Senator*, as in a watch-tower of the State, to obſerve each threatening cloud and riſing ſtorm, and give the alarm to his fellow-citizens from what quarter it was coming, and by what means it's effects might be prevented [*a*]. This, as he frequently intimates, was the onely glory that he ſought, the comfort with which he flattered himſelf, that after a life of ambition and fatigue, and a courſe of faithful ſervices to the Republic, he ſhould enjoy a quiet and ſecure old age, beloved and honored by his countrymen, as the conſtant champion and defender of all their rights and liberties. But he ſoon found himſelf miſtaken, and before he had quitted his office, began to feel the weight of that envy, which is the certain fruit of illuſtrious merit: for the vigor of his Conſulſhip had raiſed ſuch a zeal and union of all the honeſt in the defenſe of the laws, that till this ſpirit could be broken, or ſubſide again, it was in vain for the ambitious to aim at any power but through the ordinary forms of the conſtitution; eſpecially while he, who was the ſoul of that union, continued to floriſh in full credit at the head of the Senate. He was now therefore the common mark not onely of all the factious, againſt whom he had declared perpetual war, but of another party not leſs dangerous, the envious too; whoſe united ſpleen never

[*a*] Idcirco in hac cuſtodia & tanquam in ſpecula collocati ſumus, ut vacuum omni metu populum Romanum noſtra vigilia & proſpicientia redderemus. Phil. 7. 7.

never left purſuing him from this moment, till they had driven him out of that city, which he had ſo lately preſerved. A. Urb. 691. Cic. 45. Coſſ. D. Junius Silanus, L. Licinius Murena.

The Tribun Metellus began the attack; a fit leader for the purpoſe; who from the nobility of his birth and the authority of his office was the moſt likely to ſtir up ſome ill humor againſt him, by inſulting and reviling him in all his harangues, *for putting Citizens to death without a trial*; in all which he was ſtrenuouſly ſupported by Cæsar, who puſhed him on likewiſe to the promulgation of ſeveral peſtilent laws, which gave great diſturbance to the Senate. Cicero had no inclination to enter into a conteſt with the Tribun, but took ſome pains to make up the matter with him by the interpoſition of the women; particularly of Claudia, the wife of his brother Metellus, and of their ſiſter Mucia, the wife of Pompey: he employed alſo ſeveral common friends to perſuade him to be quiet, and deſiſt from his raſhneſs; but his anſwer was, *that he was too far engaged, and had put it out of his power* [*b*]: ſo that Cicero had nothing left, but to exert all his vigor and eloquence to repell the inſults of this petulant magiſtrate.

Cæsar at the ſame time was attacking Catulus with no leſs violence; and being now in poſſeſſion of the *Prætorſhip*, made it the firſt act of his office to call him to an account *for embezzling the public money in rebuilding the Capitol*; and propoſed alſo a law, *to efface his name from the fabric, and grant the commiſſion for finiſhing what remained to* Pompey: but the Senate beſtirred themſelves ſo warmly in the cauſe, that Cæsar was

[*b*] Quibus ille reſpondit, ſibi non eſſe integrum. Ep. fam. 5. 2.

A. Urb. 691. Cic. 45. Coſſ. D. Junius Silanus, L. Licinius Murena.

obliged to drop it [*c*]. This experiment convinced the two magiſtrates, that it was not poſſible for them to make head againſt the authority of the Senate, without the help of Pompey, whom they reſolved therefore by all the arts of addreſs and flattery to draw into their meaſures. With this view Metellus publiſhed a law, *to call him home with his army in order to ſettle the State, and quiet the public diſorders raiſed by the temerity of* Cicero [*d*]: for by throwing all power into his hands, they hoped to come in for a ſhare of it with him, or to embroil him at leaſt with the Senate, by exciting mutual jealouſies between them: but their law was thought to be of ſo dangerous a tendency, *that the Senate changed their habit upon it, as in the caſe of a public calamity*; and by the help of ſome of the Tribuns, particularly of Cato, reſolved to oppoſe it to the utmoſt of their power: ſo that as ſoon as Metellus *began to read it to the people*, Cato *ſnatched it away from him*; and when he proceded ſtill to pronounce it by heart, Minucius, another Tribun, *ſtopt his mouth with his hand*. This threw the aſſembly into confuſion, and raiſed great commotions in the City; till the Senate, finding themſelves ſupported by the better ſort of all ranks, came to a new and vigorous reſolution, *of ſuſpending both* Cæsar *and* Metellus *from the execution of their offices* [*e*].

Cæsar reſolved at firſt to act in defiance of them; but finding a ſtrong force prepared to controul him, thought it more adviſeable to retire, and reſerve the trial of arms, till he was better provided for it: *he ſhut himſelf up therefore in his houſe*, where, by a prudent and ſubmiſſive

[*c*] Sueton. J. Cæſ. 15. Dio, l. 37. p. 49.
[*d*] Dio, ib. Plutarch. in Cic.
[*e*] Donec ambo adminiſtratione Reipub. decreto Patrum ſummoverentur. Sueton. J. Cæſ. 16.

ſubmiſſive behaviour *he ſoon made his peace, and got the decree of their ſuſpenſion reverſed* [*f*]. But METELLUS, as it was concerted probably between them, *fled away to his brother* POMPEY [*g*], that by miſrepreſenting the ſtate of things at home, and offering every thing on the part of the people, he might inſtill into him ſome prejudices againſt *the immoderate power of* CICERO *and the Senate*, and engage him, if poſſible, to declare for the popular intereſt. CICERO in the mean while publiſhed an invective oration againſt METELLUS, which is mentioned in his Epiſtles under the title of *Metellina* [*h*]: it was ſpoken in the Senate, in anſwer to a ſpeech which METELLUS had made to the people, and is often cited by QUINTILIAN and others [*i*], as extant in their time.

A. Urb. 691. Cic. 45. Coſſ. D. JUNIUS SILANUS, L. LICINIUS MURENA.

THE Senate having gained this victory over CÆSAR and METELLUS, by obliging the one to ſubmit, the other to leave the city; Q. METELLUS CELER, who commanded in *Ciſalpine Gaul*, wrote a peeviſh and complaining letter to his friend CICERO, *upon their treating his brother the Tribun ſo ſeverely:* to which CICERO anſwered with that freedom which a conſciouſneſs of integrity naturally dictates, yet with all that humanity which the ſincereſt friendſhip inſpires; as the reader will obſerve from the letter itſelf, which affords many inſtructive hints both hiſtorical and moral.

M. T. CICERO *to* Q. METELLUS CELER, *Proconſul.*

" YOU write me word, that conſidering our mutual
" affection and late reconciliation, you never
" imagined,

[*f*] Ut comperit paratos, qui vi ac per arma prohiberent, dimiſſis lictoribus, abjectaque prætexta, domum clam refugit, pro conditione temporum quieturus——quod cum præter opinionem eveniſſet, Senatus——accitum in curiam & ampliſſimis verbis collaudatum, in integrum reſtituit, inducto priore decreto. Sueton. ibid.

[*g*] Plutarch. in Cicer.

[*h*] In illam orationem Metellinam addidi quædam; liber tibi mittetur. Att. 1. 13.

[*i*] Quint. l. 9. 3. A. Gellius 18. 7.

A. Urb. 691. Cic. 45. Coſſ. D. Junius Silanus, L. Licinius Murena.

" imagined, that you ſhould be made the ſubject of public
" jeſt and ridicule by me. I do not well underſtand what
" you mean; yet gueſs that you have been told, that,
" when I was ſpeaking one day in the Senate of many,
" who were ſorry for my having preſerved the Republic,
" I ſaid, that certain relations of yours, to whom you
" could refuſe nothing, had prevailed with you to ſup-
" preſs what you had prepared to ſay in the Senate in
" praiſe of me: when I ſaid this, I added, that in the
" affair of ſaving the State I had divided the taſk with
" you in ſuch a manner, that I was to ſecure the City
" from inteſtine dangers, you to defend *Italy* from the
" open arms and ſecret plots of our enemies; but that
" this glorious partnerſhip had been broken by your
" friends, who were afraid of your making me the leaſt
" return for the greateſt honors and ſervices which you
" had received from me. In the ſame diſcourſe, when
" I was deſcribing the expectation which I had con-
" ceived of your ſpeech, and how much I was diſap-
" pointed by it, it ſeemed to divert the houſe, and a
" moderate laugh enſued; not upon you, but on my
" miſtake, and the frank and ingenuous confeſſion of
" my deſire to be praiſed by you. Now in this, it muſt
" needs be owned, that nothing could be ſaid more ho-
" norably towards you, when in the moſt ſhining and
" illuſtrious part of my life, I wanted ſtill to have the
" teſtimony of your commendation. As to what you
" ſay of our mutual affection, I do not know what you
" reckon mutual in friendſhip, but I take it to be this;
" when we repay the ſame good offices which we re-
" ceive: Should I tell you then, that I gave up my
" province for your ſake, you might juſtly ſuſpect my
" ſincerity:

" ſincerity: it ſuited my temper and circumſtances, and A. Urb. 691.
" I find more and more reaſon every day to be pleaſed Cic. 45.
" with it: but this I can tell you, that I no ſooner Coſſ.
" reſigned it in an aſſembly of the people, than I began D. JUNIUS SILANUS, L. LICINIUS MURENA.
" to contrive how to throw it into your hands. I ſay
" nothing about the manner of drawing your lots; but
" would have you onely believe, that there was nothing
" done in it by my collegue without my privity. Pray
" recollect what followed; how quickly I aſſembled the
" Senate after your allotment, how much I ſaid in
" favor of you, when you yourſelf told me, that my
" ſpeech was not onely honorable to you, but even
" injurious to your collegues. Then as to the decree
" which paſſed that day in the Senate, it is drawn in
" ſuch a ſtrain, that as long as it ſubſiſts, my good
" offices to you can never be a ſecret. After your de-
" parture, I deſire you alſo to recollect what I did for
" you in the Senate, what I ſaid of you to the people,
" what I wrote to you my ſelf; and when you have laid
" all theſe things together, I leave it to you to judge,
" whether at your laſt coming to *Rome* you made a
" ſuitable return to them. You mention a reconciliation
" between us; but I do not comprehend how a friend-
" ſhip can be ſaid to be reconciled, which was never
" interrupted. As to what you write, that your brother
" ought not to have been treated by me ſo roughly for a
" word: in the firſt place, I beg of you to believe, that
" I am excedingly pleaſed with that affectionate and
" fraternal diſpoſition of yours, ſo full of humanity and
" piety; and in the ſecond, to forgive me if in any caſe
" I have acted againſt your brother, for the ſervice of
" the Republic, to which no man can be a warmer

" friend

A. Urb. 691. Cic. 45. Coſſ. D. Junius Silanus, L. Licinius Murena.

" friend than my ſelf: but if I have been acting onely
" on the defenſive, againſt his moſt cruel attacks, you
" may think yourſelf well uſed, that I have never yet
" troubled you with any complaints againſt him. As
" ſoon as I found that he was preparing to turn the
" whole force of his Tribunate to my deſtruction, I ap-
" plied my ſelf to your wife Claudia, and your ſiſter
" Mucia, whoſe zeal for my ſervice I had often experi-
" enced, on the account of my familiarity with Pompey,
" to diſſuade him from that outrage: but he, as I am
" ſure you have heard, on the laſt day of the year put
" ſuch an affront upon me when Conſul, and after having
" ſaved the State, as had never been offered to any
" Magiſtrate the moſt traiterouſly affected, by depriving
" me of the liberty of ſpeaking to the people upon laying
" down my office. But his inſult turned onely to my
" greater honor: for when he would not ſuffer me to
" do any thing more than ſwear, I ſwore with a loud
" voice the trueſt, as well as the nobleſt of all oaths;
" while the people with acclamations ſwore likewiſe,
" that my oath was true. After ſo ſignal an injury, I
" ſent to him the very ſame day ſome of our common
" friends, to preſs him to deſiſt from his reſolution of
" purſuing me: but his anſwer was, that it was not
" then in his power: for he had ſaid a few days before
" in a ſpeech to the people, that *he, who had puniſhed*
" *others without a hearing, ought not to be ſuffered to*
" *ſpeak for himſelf.* Worthy Patriot, and excellent
" Citizen! to adjudge the man who had preſerved the
" Senate from a maſſacre, the City from fire, and *Italy*
" from a war, to the ſame puniſhment which the Senate,
" with the conſent of all honeſt men, had inflicted on
" the

" the authors of thoſe horrid attempts. I withſtood your brother therefore to his face; and on the firſt of *January*, in a debate upon the Republic, handled him in ſuch a manner, as to make him ſenſible, that he had to do with a man of courage and conſtancy. Two days after, when he began again to harangue, in every three words he named and threatened me: nor had he any thing ſo much at heart, as to effect my ruin at any rate; not by the legal way of trial, or judicial proceding, but by dint of force and violence. If I had not reſiſted his raſhneſs with firmneſs and courage, who would not have thought, that the vigor of my Conſulſhip had been owing to chance, rather than to virtue? If you have not been informed, that your brother attempted all this againſt me, be aſſured that he concealed from you the moſt material part: but if he told you any thing of it, you ought to commend my temper and patience, for not expoſtulating with you about it: but ſince you muſt now be ſenſible, that my quarrel to your brother was not, as you write, for a word, but a moſt determined and ſpiteful deſign to ruin me, pray obſerve my humanity, if it may be called by that name, and is not rather, after ſo flagrant an outrage, a baſe remiſſneſs and abjection of mind. I never propoſed any thing againſt your brother, when there was any queſtion about him in the Senate; but without riſing from my ſeat, aſſented always to thoſe who were for treating him the moſt favorably. I will add farther, what I ought not indeed to have been concerned about, yet I was not diſpleaſed to ſee it done, and even aſſiſted to get it done; I mean, the procuring a

A. Urb. 691. Cic. 45. Coſſ. D. JUNIUS SILANUS, L. LICINIUS MURENA.

A. Urb. 691. Cic. 45. Coſſ. D. Junius Silanus, L. Licinius Murena.

" decree for the relief of my enemy, becauſe he was
" your brother. I did not therefore attack your bro-
" ther, but defend my ſelf onely againſt him; nor has
" my friendſhip to you ever been variable, as you write,
" but firm and conſtant, ſo as to remain ſtill the ſame
" when it was even deſerted and ſlighted by you. And
" at this very time, when you almoſt threaten me in
" your letter, I give you this anſwer, that I not onely
" forgive, but highly applaud your grief; for I know,
" from what I feel within my ſelf, how great the force
" is of fraternal love: but I beg of you alſo to judge
" with the ſame equity of my cauſe; and if, without
" any ground, I have been cruelly and barbarouſly at-
" tacked by your friends, to allow that I ought not
" onely not to yield to them, but on ſuch an occaſion to
" expect the help even of you and your army alſo againſt
" them. I was always deſirous to have you for my
" friend, and have taken pains to convince you how
" ſincerely I am yours: I am ſtill of the ſame mind,
" and ſhall continue in it as long as you pleaſe; and,
" for the love of you, will ſooner ceaſe to hate your
" brother, than, out of reſentment to him, give any
" ſhock to the friendſhip which ſubſiſts between us.
" Adieu [*k*].

Cicero, upon the expiration of his Conſulſhip, took care to ſend a particular account of his whole adminiſtration to Pompey; in hopes to prevent any wrong impreſſion there from the calumnies of his enemies, and to draw from him ſome public declaration in praiſe of what he had been doing. But Pompey being informed by Metellus and Cæsar of the ill humor which was riſing

[*k*] Epiſt. fam. 5. 2.

riſing againſt CICERO in *Rome*, anſwered him with great coldneſs, and, inſtead of paying him any compliment, took no notice at all of what had paſſed in the affair of CATILINE: upon which CICERO expoſtulates with him in the following letter with ſome little reſentment, yet ſo, as not to irritate a man of the firſt authority in the Republic, and to whom all parties were forwardly paying their court.

A. Urb. 691. Cic. 45. Coſſ. D. JUNIUS SILANUS, L. LICINIUS MURENA.

M. T. CICERO *to* CN. POMPEIUS *the Great, Emperor* [*l*].

" I HAD an incredible pleaſure, in common with all " people, from the public letter which you ſent: for " you gave us in it that aſſurance of peace, which from " my confidence in you alone I had always been pro- " miſing. I muſt tell you however, that your old ene- " mies, but new friends, are extremely ſhocked and diſ- " appointed at it. As to the particular letter which " you ſent to me, tho' it brought me ſo ſlight an inti- " mation of your friendſhip, yet it was very agreeable: " for nothing is apt to give me ſo much ſatisfaction, as " the conſciouſneſs of my ſervices to my friends; and if " at any time they are not requited as they ought to be,

[*l*] The word *Emperor* ſignified nothing more in it's original uſe, than the General or Chief Commander of an army: [Cic. de Orat. 1. 48.] in which ſenſe it belonged equally to all who had ſupreme command in any part of the Empire, and was never uſed as a peculiar title. But after a victory, in which ſome conſiderable advantage was gained, and great numbers of the enemy ſlain, the ſoldiers, by an univerſal acclamation, uſed to ſalute their General in the field with the appellation of *Emperor*; aſcribing as it were the ſole merit of the action to his auſpices and conduct. This became a title of honor, of which all Commanders were proud, as being the effect of ſucceſs and victory, and won by their proper valor; and it was always the firſt and neceſſary ſtep towards a Triumph. On theſe occaſions therefore *the Title of Emperor* was conſtantly aſſumed, and given to Generals in all acts and letters, both public and private, but was enjoyed by them no longer than the commiſſion laſted, by which they had obtained it; that is, to the time of their return and entrance into the City, from which moment their command and title expired together of courſe, and they reſumed their civil character, and became private Citizens.

A. Urb. 691. Cic. 45. Coſſ. D. JUNIUS SILANUS, L. LICINIUS MURENA.

" I am always content that the balance of the account
" ſhould reſt on my ſide. I make no doubt however,
" but that, if the diſtinguiſhed zeal, which I have always
" ſhewn for your intereſts, has not yet ſufficiently re-
" commended me to you, the public intereſt at leaſt
" will conciliate and unite us. But that you may not
" be at a loſs to know what it was, which I expected
" to find in your letter, I will tell it you frankly, as my
" own nature and our friendſhip require. I expected,
" out of regard both to the Republic and to our fami-
" liarity, to have had ſome compliment or congratulation
" from you on what I lately acted in my Conſulſhip;
" which you omitted, I imagine, for fear of giving
" offence to certain perſons: but I would have you to
" know, that the things, which I have been doing for
" the ſafety of my country, are applauded by the teſti-
" mony and judgment of the whole earth; and when
" you come amongſt us, you will find them done with
" ſo much prudence and greatneſs of mind, that you,
" who are much ſuperior to SCIPIO, will admit me,
" who am not much inferior to LÆLIUS, to a ſhare
" both of your public counſils and private friendſhip.
" Adieu [*m*].

SOON after CATILINE's defeat, a freſh inquiry was ſet on foot at *Rome* againſt the reſt of his accomplices, upon the information of one L. VETTIUS; who, among others, impeached J. CÆSAR *before* NOVIUS NIGER *the Quæſtor*, as Q. CURIUS alſo did in the Senate; where, for the ſecret intelligence, which he had given very early to CICERO, he claimed *the reward which had been offered to the*

[*m*] Epiſt. fam. 5. 7.

the firſt diſcoverer of the plot. He affirmed, *that what he depoſed againſt* CÆSAR, *was told to him by* CATILINE *himſelf*; *and* VETTIUS *offered to produce a letter to* CATILINE *in* CÆSAR*'s own hand.* CÆSAR found ſome difficulty to repell ſo bold an accuſation, and was forced *to implore the aid and teſtimony of* CICERO, *to prove that he alſo had given early information of* CATILINE*'s deſigns:* but by his vigor and intereſt in the city he obtained a full revenge at laſt upon his accuſers; for he deprived CURIUS *of the reward, and got* VETTIUS *committed to priſon, after he had been miſerably handled, and almoſt killed by the mob*; *nor content with this, he impriſoned the Quæſtor* NOVIUS *too, for ſuffering a ſuperior magiſtrate to be arraigned before him* [*n*].

A. Urb. 691. Cic. 45. Coſſ. D. JUNIUS SILANUS, L. LICINIUS MURENA.

SEVERAL others however of conſiderable rank were found guilty and baniſhed; ſome of them not appearing to their citation, others after a trial; *viz.* M. PORCIUS LECCA, C. CORNELUS, L. VARGUNTEIUS, SERVIUS SYLLA, and P. AUTRONIUS, &c. The laſt of theſe, who loſt the Conſulſhip four years before upon a conviction of bribery, had been CICERO's *ſchool-fellow, and collegue in the Quæſtorſhip*; *and ſollicited him with many tears to undertake his defenſe:* but CICERO not onely refuſed to defend him, but, from the knowledge of his guilt, *appeared as a witneſs againſt him* [*o*].

P. SYLLA alſo, AUTRONIUS's parner and fellow-ſufferer in the cauſe of bribery, was now tried *for conſpiring*

[*n*] Cum implorato Ciceronis teſtimonio, quædam ſe de conjuratione ultro detuliſſe docuiſſet, ne Curio præmia darentur, effecit. Vettium——pro roſtris in concione pæne diſcerptum, in carcerem conjecit. Eodem Novium Quæſtorem, quod compellari apud ſe majorem poteſtatem paſſus eſſet. Sueton. Jul. Cæſ. 17.

[*o*] Veniebat ad me, & ſæpe veniebat Autronius multis cum lachrymis, ſupplex, ut ſe defenderem: ſe meum condiſcipulum in pueritia, familiarem in adoleſcentia, collegam in Quæſtura commemorabat fuiſſe. Pro Sylla, 6. 30.

A. Urb. 691. Cic. 45. Coſſ. D. Junius Silanus, L. Licinius Murena.

ſpiring twice with Catiline; once, when the plot proved abortive, ſoon after his former trial; and a ſecond time, in Cicero's Conſulſhip: he was defended in the firſt by Hortensius, in the laſt by Cicero. The proſecutor was Torquatus, the ſon of his former accuſer, a young nobleman of great parts and ſpirit; who ambitious of the triumph of ruining an enemy, and fearing that Cicero would ſnatch it from him, turned his raillery againſt Cicero inſtead of Sylla; and to take off the influence of his authority, treated his character with great petulance, and employed every topic which could raiſe an odium and envy upon him: he called him *a King, who aſſumed a power to ſave or deſtroy, juſt as he thought fit*; ſaid, *that he was the third foreign King who had reigned in Rome after* Numa *and* Tarquinius; and *that* Sylla *would have run away and never ſtood a trial, if he had not undertaken his cauſe:* whenever he mentioned *the plot and the danger of it, it was with ſo low and feeble a voice, that none but the judges could hear him*; but when he ſpoke *of the priſon and the death of the conſpirators, he uttered it in ſo loud and lamentable a ſtrain, as to make the whole Forum ring with it* [*p*].

Cicero therefore, in his reply, was put to the trouble of defending himſelf, as well as his client. "As to "Torquatus's calling him *foreigner*, on the account "of his being born in one of the corporate Towns of "*Italy*, he owns it; and in that Town, he ſays, whence "the Republic had been twice preſerved from ruin; and "was glad that he had nothing to reproach him with, "but what affected not onely the greateſt part, but "the greateſt men of the City; Curius, Coruncanius, "Cato,

[*p*] Pro Sylla, 7. 10.

" CATO, MARIUS, &c. but ſince he had a mind to be
" witty, and would needs make him a foreigner, why
" did he not call him a foreign Conſul, rather than a
" King? for that would have been much more won-
" derfull, ſince foreigners had been Kings, but never
" Conſuls of *Rome*. He admoniſhes him, who was now
" in the courſe of his preferment, not to be ſo free of
" giving that title to Citizens, leſt he ſhould one day feel
" the reſentment and power of ſuch foreigners: that if
" the Patricians were ſo proud, as to treat him and the
" judges upon the bench as foreigners, yet TORQUATUS
" had no right to do it, whoſe mother was of *Aſcu-*
" *lum* [*q*]. Do not call me then Foreigner any more,
" ſays he, leſt it turn upon yourſelf; nor a King, leſt
" you be laughed at; unleſs you think it kingly, to live
" ſo as not to be a ſlave, not onely to any man, but
" even to any appetite; to contemn all ſenſual plea-
" ſures; to covet no man's gold or ſilver, or any thing
" elſe; to ſpeak one's mind freely in the Senate; to
" conſult the good, rather than the humor of the peo-
" ple; to give way to none, but to withſtand many:
" If you take this to be kingly, I confeſs my ſelf a King:
" but if the inſolence of my power, if my dominion, if
" any proud or arrogant ſaying of mine provokes you,
" why do you not urge me with that, rather than the
" envy of a name, and the contumely of a groundleſs
" calumny?"----He proceeds to ſhew, " that his king-
" dom, if it muſt be called ſo, was of ſo laborious a
" kind, that there was not a man in *Rome* who would
" be content to take his place [*r*]." He puts him in
mind, " that he was diſpoſed to indulge and bear with
" his

A. Urb. 691. Cic. 45. Coſſ. D. JUNIUS SILANUS, L. LICINIUS MURENA.

[*q*] Ibid. 7, 8.

[*r*] Ibid. 9.

A. Urb. 691. Cic. 45. Coſſ. D. Junius Silanus, L. Licinius Murena.

" his pertneſs, out of regard to his youth and to his " father-----tho' no man had ever thrown the ſlighteſt " aſperſion upon him, without being chaſtiſed for it---- " but that he had no mind to fall upon one whom he " could ſo eaſily vanquiſh; who had neither ſtrength, " nor age, nor experience enough for him to contend " with: he adviſed him however not to abuſe his pa- " tience much longer, leſt he ſhould be tempted at laſt " to draw out the ſtings of his ſpeech againſt him [*s*]." As to the merits of the cauſe, tho' there was no poſitive proof, yet there were many ſtrong preſumptions againſt Sylla, with which his adverſary hoped to oppreſs him: but Cicero endeavoured to confute them, by appealing " to the tenor and character of his life; proteſting in " the ſtrongeſt terms, that he, who had been the ſearcher " and detector of the plot, and had taken ſuch pains to " get intelligence of the whole extent of it, had never " met with the leaſt hint or ſuſpicion of Sylla's name " in it; and that he had no other motive for defend- " ing him, but a pure regard to juſtice; and as he had " refuſed to defend others, nay, had given evidence " againſt them from the knowledge of their guilt, ſo he " had undertaken Sylla's defenſe, through a perſuaſion " of his innocence [*t*]." Torquatus, for want of direct proof, threatened *to examine* Sylla's *ſlaves by torture:* this was ſometimes practiſed upon the demand of the Proſecutor; but Cicero obſerves upon it, " that the " effect of thoſe torments was governed always by the " conſtitution of the patient, and the firmneſs of his " mind and body; by the will and pleaſure of the " torturer, and the hopes and fears of the tortured; and " that

[*s*] Ibid. 16. [*t*] Ibid. 30.

" that in moments of ſo much anguiſh there could be A. Urb. 691.
" no room for truth: he bids them put SYLLA's life to Cic. 45.
" the rack, and examine that with rigor; whether there Coſſ. D. JUNIUS SILANUS, L. LICINIUS MURENA.
" was any hidden luſt, any latent treaſon, any cruelty,
" any audaciouſneſs in it: that there could be no miſ-
" take in the cauſe, if the voice of his perpetual life,
" which ought to be of the greateſt weight, was but at-
" tended to [*u*]." SYLLA was acquitted; but CICERO had no great joy from his victory, or comfort in preſerving ſuch a Citizen, who lived afterwards in great confidence with CÆSAR, *and commanded his right wing in the battle of Pharſalia* [*x*]; and ſerved him afterwards in his power, as he had before ſerved *his kinſman* SYLLA, in *managing his confiſcations and the ſale of the forfeited eſtates.*

ABOUT the time of this trial CICERO bought a houſe of M. CRASSUS, on *the Palatine hill*, adjoining to that in which he had always lived with his father, and which he is now ſuppoſed to have given up to his brother QUINTUS. The houſe coſt him near *thirty thouſand pounds*, and ſeems to have been one of the nobleſt in *Rome*; it was built about thirty years before by the famous Tribun, M. LIVIUS DRUSUS; on which occaſion we are told, *that when the architect promiſed to build it for him in ſuch a manner, that none of his neighbours ſhould overlook him: But if you have any ſkill*, replied DRUSUS, *contrive it rather ſo, that all the world may ſee what I am doing* [*y*]. It was ſituated in the moſt conſpicuous part of the city, near to the center of all buſineſs, overlooking *the Forum* and *the Roſtra*; and

[*u*] Ibid. 28.
[*x*] Vid. Cæſ. comment. de bello civili.
[*y*] Cum promitteret ei architectus, ita ſe ædificaturum, ut libera a conſpectu, immunis ab omnibus arbitris eſſet——Tu vero, inquit, ſi quid in te artis eſt, ita compone domum meam, ut quicquid agam ab omnibus perſpici poſſit. Vell. Pat. 2. 14. Ep. fam. 5. 6.

A. Urb. 691. Cic. 45. Coſſ. D. Junius Silanus, L. Licinius Murena.

what made it the more ſplendid, was it's being joined to *a Portico* or *Colonnade*, called by the name of Catulus; who built it out of *the Cimbric ſpoils*, on that area where Flaccus formerly lived, *whoſe houſe was demoliſhed by public authority for his ſeditious practices with* C. Gracchus [*x*]. In this purchaſe he followed the rule which he recommends in his *Offices*, with regard to *the habitation of a principal Citizen*; *that his dignity ſhould be adorned by his houſe, but not derived from it* [*a*]: where he mentions ſeveral inſtances of great men, who by the ſplendor of their houſes on this very hill, which were conſtantly ſtriking the eyes of the people, and imprinting a notion of their magnificence, made their way the more eaſily to the higheſt honors of the Republic.

A. Gellius tells us, *that having reſolved to buy the houſe, and wanting money to pay for it, he borrowed it privately of his client* Sylla, *when he was under proſecution; but the ſtory taking wind, and being charged upon him, he denied both the borrowing and deſign of purchaſing, yet ſoon after bought the houſe; and when he was reproached with the denial of it, replied onely laughing, that they muſt be fools to imagine, that when he had reſolved to buy, he would raiſe competitors of the purchaſe by proclaiming it* [*b*].

The ſtory was taken probably from ſome of the ſpurious collections of Cicero's *Jeſts*; which were handed about not onely after his death, but even in his lifetime, as he often complains to his friends [*c*]: for it is certain,

[*x*] M. Flaccus, quia cum Graccho contra Reipub. ſalutem fecerat, & Senatûs ſententia eſt interfectus, & domus ejus everſa eſt: in qua porticum poſt aliquanto Q. Catulus de manubiis Cimbricis fecit. Pro Dom. 38.

[*a*] Ornanda eſt enim dignitas domo, non ex domo tota quærenda. De Offic. 1. 39.

[*b*] A. Gellius, 12. 12.

[*c*] Ais enim, ut ego diſceſſerim omnia omnium dicta, in his etiam Seſtiana in me conferri. Quid? tu id pateris? nonne defendis? nonne reſiſtis? &c. Ep. fam. 7. 32.

Sic audio Cæſarem——ſi quod afferatur ad eum pro meo, quod meum non eſt, rejicere ſolere. Ibid. 9. 16.

certain, that there could be nothing diſhonorable in the purchaſe, ſince it was tranſacted ſo publicly, that before it was even concluded, *one of his friends congratulated him upon it by letter from Macedonia* [*d*]. The truth is, and what he himſelf does not diſſemble, *that he borrowed part of the money to pay for it, at ſix per cent.*; and ſays merrily upon it, *that he was now ſo plunged in debt, as to be ready for a plot, but that the conſpirators would not truſt him* [*e*]. It raiſed indeed ſome cenſure upon his vanity, for purchaſing ſo expenſive a houſe with borrowed money: but MESSALA, the Conſul, happening ſoon after to buy AUTRONIUS's *houſe at a greater price, and with borrowed money too*, it gave him ſome pleaſure, that he could juſtify himſelf by the example of ſo worthy a Magiſtrate: *By* MESSALA's *purchaſe*, ſays he, *I am thought to have made a good bargain; and men begin to be convinced, that we may uſe the wealth of our friends, in buying what contributes to our dignity* [*f*].

A. Urb. 691. Cic. 45. Coſſ. D. JUNIUS SILANUS, L. LICINIUS MURENA.

BUT the moſt remarkable event, which happened in the end of this year, was *the pollution of the myſteries of the* BONA DEA, *or the Good Goddeſs, by* P. CLODIUS; which, by an unhappy train of conſequences, not onely involved CICERO in an unexpected calamity, but ſeems to have given the firſt blow towards the ruin of the Republic. CLODIUS was now *Quæſtor*, and by that means a Senator; deſcended from *the nobleſt family in Rome*, in the

[*d*] Quod ad me pridem ſcripſeras, velle te bene evenire, quod de Craſſo domum emeram——Emi eam ipſam domum H-S. xxxv. aliquanto poſt tuam gratulationem. Ep. fam. 5. 6.

[*e*] Itaque ſcito, me nunc tantum habere æris alieni, ut cupiam conjurare, ſi quiſquam recipiat. Sed partim me excludunt, &c. Ibid.

[*f*] Ea emptione & nos bene emiſſe judicati ſumus; & homines intelligere cœperunt, licere amicorum facultatibus in emendo ad dignitatem aliquam pervenire. Ad Att. 1. 13.

A. Urb. 691. Cic. 45. Coſſ. D. Junius Silanus, L. Licinius Murena.

vigor of his age, of a graceſull perſon, lively wit, and flowing eloquence; but with all the advantages of nature, he had a mind incredibly vicious; was fierce, inſolent, audacious, but above all, moſt profligately wicked, and an open contemner of gods and men; valuing nothing, that either nature or the laws allowed; nothing, but in proportion as it was deſperate and above the reach of other men; diſdaining even honors in the common forms of the Republic; nor reliſhing pleaſures, but what were impious, adulterous, inceſtuous [*g*]. He had an intrigue with Cæsar's *wife* Pompeia, who, according to annual cuſtom, was now celebrating in her houſe *thoſe awfull and myſtic ſacrifices of the Goddeſs*, to which *no male creature* was ever admitted, and where every thing maſculine was ſo ſcrupulouſly excluded, *that even pictures of that ſort were covered during the ceremony* [*h*]. This was a proper ſcene for Clodius's *genius* to act upon; an opportunity of daring, beyond what man had ever dared before him: the thought of mixing the impurity of his luſts with the ſanctity of theſe venerable rites flattered his imagination ſo ſtrongly, that he reſolved to gain acceſs to his miſtreſs in the very midſt of her holy miniſtry. With this view he dreſſed himſelf *in a woman's habit*, and by the benefit of his ſmooth face,

[*g*] Exorta eſt illa Reipub. ſacris, religionibus, auctoritati veſtræ, judiciis publicis funeſta Quæſtura: in qua idem iſte deos, hominesque, pudorem, pudicitiam, ſenatûs auctoritatem, jus, fas, leges, judicia violavit, &c. De Haruſpic. reſp. 20.

Qui ita judicia pœnamque contempſerat, ut eum nihil delectaret, quod aut per naturam fas eſſet, aut per leges liceret. Pro Mil. 16.

P. Clodius, homo nobilis, diſertus, audax; qui neque dicendi, neque faciendi ullum, niſi quem vellet, noſſet modum; malorum propoſitorum executor acerrimus, infamis etiam ſororis ſtupro, &c. Vell. Pat. 2. 45.

[*h*] ——————ubi velari pictura jubetur,
Quæcunque alterius ſexûs imitata figuram eſt. Juven. 6. 339.

Quod quidem ſacrificium nemo ante P. Clodium in omni memoria violavit——quod fit per virgines Veſtales; fit pro populo Romano; fit in ea domo, quæ eſt in imperio; fit incredibili ceremonia; fit ei deæ, cujus ne nomen quidem viros ſcire fas eſt. De Haruſp. reſponſ. 17.

face, and *the introduction of one of the maids*, who was in the ſecret, hoped to paſs without diſcovery: but by ſome miſtake between him and his guide, he loſt his way when he came within the houſe, and fell in unluckily among the other female ſervants, who detecting him by his voice, alarmed the whole company by their ſhrieks, to the great *amazement of the matrons, who preſently threw a veil over the ſacred myſteries*, while CLODIUS found means to eſcape *by the favor of ſome of the damſels* [*i*]. A. Urb. 691. Cic. 45. Coſſ. D. JUNIUS SILANUS, L. LICINIUS MURENA.

THE ſtory was preſently ſpread abroad, and raiſed a general ſcandal and horror through the whole city: in the vulgar, for the profanation of a religion held the moſt ſacred of any in *Rome*; in the better ſort, for it's offence to good manners, and the diſcipline of the Republic. CÆSAR *put away his wife upon it*; and the honeſt of all ranks were for puſhing this advantage againſt CLODIUS as far as it would go, in hopes to free themſelves by it of a citizen, *who by this, as well as other ſpecimens of his audaciouſneſs, ſeemed born to create much diſturbance to the State* [*k*]. It had been the conſtant belief of the populace, *that if a man ſhould ever pry into theſe myſteries, he would be inſtantly ſtruck blind: But it was not poſſible*, as CICERO ſays, *to know the truth of it before, ſince no man, but* CLODIUS, *had ever ventured upon the experiment: tho' it was now found*, as he tells him, *that the blindneſs of the eyes was converted to that of the mind* [*l*].

THE

[*i*] P. Clodium, Appii filium, credo te audiſſe cum veſte muliebri deprehenſum domi C. Cæſaris, cum pro populo fieret, eumque per manus ſervulæ ſervatum & eductum; rem eſſe inſigni infamia. Ad Att. 1. 12.

[*k*] Videbam, illud ſcelus tam importunum, audaciam tam immanem adoleſcentis furentis, nobilis, vulnerati, non poſſe arceri otii finibus: erupturum illud malum aliquando, ſi impunitum fuiſſet, ad perniciem civitatis. De Haruſp. reſp. 3.

[*l*] Aut quod oculos, ut opinio illius religionis

A. Urb. 692. Cic. 46. Coſſ. M. Pupius Piso, M. Valerius Messala.

The affair was ſoon brought before the Senate; where it was reſolved, to refer it to *the College of Prieſts, who declared it to be an abominable impiety; upon which the Conſuls were ordered to provide a law for bringing* Clodius *to a trial for it before the people* [*m*]. But Q. Fufius Calenus, one of the Tribuns, ſupported by all the *Clodian* faction, would not permit the law to be offered *to the ſuffrage of the Citizens.* This raiſed a great ferment in the city, while the Senate adhered to their former reſolution, tho' the Conſul Piso uſed all his endeavours to divert them from it, and Clodius in an abject manner *threw himſelf at the feet of every Senator*; yet after a ſecond debate in a full houſe, *there were fifteen onely who voted on* Clodius's *ſide, and four hundred directly againſt him*; ſo that a freſh decree paſſed, *to order the Conſuls to recommend the law to the people with all their authority, and that no other buſineſs ſhould be done, till it was carried* [*n*]: but this being likely to produce great diſorders, Hortensius propoſed an expedient, which was accepted by both parties, that the Tribun Fufius *ſhould publiſh a law for the trial of* Clodius *by the Prætor with a ſelect bench of judges.* The onely difference between the two laws was, whether he ſhould be tried *by the people*, or *by particular judges:* but *this*, ſays Cicero, *was every thing.*

Hortensius

gionis eſt, non perdidiſti. Quis enim ante te ſacra illa vir ſciens viderat, ut quiſquam pœnam, quæ ſequeretur illud ſcelus, ſcire poſſet? Ibid. 18.

Pœna omnis oculorum ad cæcitatem mentis eſt converſa. Pro Dom. 40.

[*m*] Id ſacrificium cum Virgines inſtauraſſent, mentionem a Q. Cornificio in Senatu factam——poſt rem ex S. C. ad Pontifices relatam; idque ab eis nefas eſſe decretum: deinde ex S. C. Conſules rogationem promulgaſſe: uxori Cæſarem nuncium remiſiſſe—— In hac cauſa Piſo, amicitia P. Clodii ductus, operam dat, ut ea rogatio—— antiquetur, &c. Ad Att. 1. 13.

[*n*] Senatus vocatur; cum decerneretur frequenti Senatu, contra pugnante Piſone, ad pedes omnium ſigillatim accedente Clodio, ut Conſules populum cohortarentur ad rogationem accipiendam: homines ad xv. Curioni, nullum S. C. facienti, aſſenſerunt, ex altera parte facile cccc. fuerunt.——Senatus decernebat, ut ante, quam rogatio lata eſſet, ne quid ageretur. Ibid. 14.

HORTENSIUS was afraid, leſt he ſhould eſcape in the ſquabble, without any trial; being perſuaded, that no judges could abſolve him, *and that a ſword of lead*, as he ſaid, *would deſtroy him:* but the Tribun knew that in ſuch a trial there would be room for intrigue, both in chuſing and corrupting the judges, which CICERO likewiſe foreſaw from the firſt; and wiſhed therefore to leave him rather to the effect of that odium, in which his character then lay, than bring him to a trial where he had any chance to eſcape [*o*]. A. Urb. 692. Cic. 46. Coſſ. M. PUPIUS PISO, M. VALERIUS MESSALA.

CLODIUS's whole defenſe was to prove himſelf abſent at the time of the fact; for which purpoſe he produced men to ſwear, *that he was then at Interamna, about two or three days journey from the city.* But CICERO being called upon to give his teſtimony, depoſed, *that* CLODIUS *had been with him that very morning at his houſe in Rome* [*p*]. As ſoon as CICERO appeared in the court, the *Clodian* mob began to inſult him with great rudeneſs; *but the judges roſe up, and received him with ſuch reſpect*, that they preſently ſecured him from all farther affronts [*q*]. CÆSAR, who was the moſt particularly intereſted in the affair, being ſummoned alſo to give evidence, declared, *that he knew nothing at all of the matter; tho' his mother* AURELIA *and ſiſter* JULIA, *who were examined before him, had given a punctual relation of the whole fact: and being interrogated, how he came then to*

[*o*] Poſtea vero quam Hortenſius excogitavit, ut legem de religione Fufius Tribunus pleb. ferret; in qua nihil aliud a Conſulari rogatione differebat, niſi judicum genus, (in eo autem erant omnia) pugnavitque ut ita fieret; quod & ſibi & aliis perſuaſerat, nullis illum judicibus effugere poſſe; contraxi vela, perſpiciens inopiam judicum.——Hortenſius—non vidit illud, ſatius eſſe illum in infamia & ſordibus relinqui, quam infirmo judicio committi. Sed ductus odio properavit rem deducere in judicium, cum illum plumbeo gladio jugulatum iri tamen diceret——A me tamen ab initio conſilium Hortenſii reprehendebatur. Ad Att. 1. 16.

[*p*] Plutarch. in Cic. Val. Max. 8. 5.

[*q*] Me vero teſte producto; Credo te——audiſſe, quæ conſurrectio judicum facta ſit, ut me circumſteterint, &c. Ad Att. ibid.

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to part with his wife? he replied, *that all who belonged to him ought to be free from ſuſpicion, as well as guilt* [r]. He ſaw very well how the thing was like to turn, and had no mind to exaſperate a man of Clodius's character, who might be of good ſervice to him for the advancement of his future projects. Plutarch ſays, that Cicero *himſelf was urged on to this act againſt his will, by the importunity of his wife; a fierce, imperious dame, jealous of* Clodius's *ſiſter, whom ſhe ſuſpected of ſome deſign to get* Cicero *from her, which by this ſtep ſhe hoped to make deſperate.* The ſtory does not ſeem improbable; for before the trial, Cicero owns himſelf to be growing every day *more cool and indifferent about it*; and in his railleries with Clodius after it, touches upon *the forward advances which his ſiſter had made towards him*; and at the very time of giving his teſtimony, did it with no ſpirit, *nor ſaid any thing more*, as he tells us, *than what was ſo well known, that he could not avoid ſaying it* [s].

The judges ſeemed to act at firſt with great gravity; granted every thing that was aſked by the proſecutors; and demanded a guard to protect them from the mob; which the Senate readily ordered, with great commendation of their prudence: but when it came to the iſſue, twenty-five only condemned, while thirty-one abſolved him. Crassus is ſaid to have been Clodius's chief manager, in tampering with the judges; employing every art and inſtrument of corruption, as it ſuited the

[r] Negavit ſe quidquam comperiſſe, quamvis & mater Aurelia, & ſoror Julia, apud eoſdem judices, omnia ex fide retuliſſent: interrogatuſque, cur igitur repudiaſſet uxorem? Quoniam, inquit, meos tam ſuſpicione quam crimine judico carere oportere. Suet. J. Cæſ. 74.

[s] Noſmetipſi, qui Lycurgei a principio fuiſſemus, quotidie demitigamur. Ad Att. 1. 13. Neque dixi quicquam pro teſtimonio, niſi quod erat ita notum atque teſtatum, ut non poſſem præterire. Ibid. 16.

the different tempers of the men; *and where money would not do, offering even certain ladies and young men of quality to their pleaſure.* CICERO ſays, *that a more ſcandalous company of ſharpers never ſat down at a gaming-table; infamous Senators, beggarly Knights, with a few honeſt men among them, whom* CLODIUS *could not exclude; who, in a crew ſo unlike to themſelves, ſat with ſad and mournfull faces, as if afraid of being infected with the contagion of their infamy; and that* CATULUS, *meeting one of them, aſked him, what they meant by deſiring a guard? were they afraid of being robbed of the money which* CLODIUS *had given them* [t]*?*

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THIS tranſaction however gave a very ſerious concern to CICERO, who laments, *that the firm and quiet ſtate of the Republic, which he had eſtabliſhed in his Conſulſhip, and which ſeemed to be founded in the union of all good men, was now loſt and broken, if ſome Deity did not interpoſe, by this ſingle judgement; if that,* ſays he, *can be called a judgement, for thirty of the moſt contemptible ſcoundrels of Rome to violate all that is juſt and ſacred for the ſake of money; and vote that to be falſe, which all the world knows to be true.* As he looked upon himſelf to be particularly affronted by a ſentence given in flat contradiction to his teſtimony, ſo he made it his buſineſs on all occaſions to diſplay the iniquity of it, and

[t] Noſti Calvum—biduo per unum ſervum, & eum ex gladiatorio ludo, confecit totum negotium. Arceſſivit ad ſe, promiſit, interceſſit, dedit. Jam vero (O Dii boni, rem perditam!) etiam noctes certarum mulierum, atque adoleſcentulorum nobilium introductiones nonnullis judicibus pro mercedis cumulo fuerunt,——xxv judices ita fortes fuerunt, ut ſummo propoſito periculo vel perire maluerint, quam perdere omnia. xxxi fuerunt, quos fames magis quam fama commoverit. Quorum Catulus cum vidiſſet quendam; Quid vos, inquit, præſidium a nobis poſtulabatis? an, ne nummi vobis eriperentur, timebatis?

Maculoſi Senatores, nudi Equites——pauci tamen boni inerant, quos rejectione fugare ille non poterat; qui mœſti inter ſui diſſimiles & mœrentes ſedebant, & contagione turpitudinis vehementer permovebantur. Ad Att. 1. 16.

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to ſting the ſeveral actors in it with all the keenneſs of his raillery [*u*]. In a debate ſoon after in the Senate on the ſtate of the Republic, taking occaſion to fall upon this affair, he " exhorted the Fathers not to be diſcou-
" raged for having received one ſingle wound; which
" was of ſuch a nature, that it ought neither to be diſ-
" ſembled, nor to be feared; for to fear it, was a mean-
" neſs; and not to be ſenſible of it, a ſtupidity: That
" Lentulus was twice acquitted; Catiline alſo twice;
" and this man was the third, whom a bench of judges
" had let looſe upon the Republic. But thou art miſ-
" taken, Clodius, ſays he; the judges have not re-
" ſerved thee for the city, but for a priſon: they deſigned
" thee no kindneſs by keeping thee at home, but to
" deprive thee of the benefit of an exil. Wherefore,
" Fathers, rouſe your uſual vigor; reſume your dig-
" nity; there ſubſiſts ſtill the ſame union among the
" honeſt; they have had indeed a freſh ſubject of mor-
" tification, yet their courage is not impaired by it: no
" new miſchief has befallen us; but that onely, which
" lay concealed, is now diſcovered, and by the trial of
" one deſperate man, many others are found to be as
" bad as he [*x*].

Clodius, not caring to encounter Cicero by formal ſpeeches, choſe to teize him with raillery, and turn the debate into ridicule. *You are a fine gentleman indeed*, ſays he, *and have been at Baiæ. That's not ſo fine*, replied Cicero, *as to be caught at the myſteries of the Goddeſs. But what*, ſays he, *has a clown of Arpinum to do at the hot wells? Aſk that friend of yours*, replied Cicero,

[*u*] Inſectandis vero, exagitandiſque nummariis judicibus, omnem omnibus ſtudioſis ac fautoribus illius victoriæ παῤῥησίαν eripui. Ibid.

[*x*] Ibid.

CICERO, *who had a month's mind to your Arpinum clown* [*y*]. *You have bought a houſe*, ſays he [*z*]: *You ſhould have ſaid, Judges*, replied CICERO: *Thoſe judges*, ſays he, *would not believe you upon your oath: Yes*, replied CICERO, *twenty-five of them gave credit to me; while the reſt would not give any to you, but made you pay your money beforehand.* This turned the laugh ſo ſtrongly on CICERO's ſide, that CLODIUS *was confounded, and forced to ſit down* [*a*]. But being now declared enemies, they never met without ſome ſtrokes of this kind upon each other; which, as CICERO obſerves, muſt needs appear *flat in the narration, ſince all their force and beauty depended on the ſmartneſs of the contention, and the ſpirit with which they were delivered* [*b*].

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THE preſent Conſuls were M. PUPIUS PISO and M. MESSALA; the firſt of whom, as ſoon as he entered into office, put a ſlight affront upon CICERO: for his opinion having been aſked always *the firſt* by the late Conſuls, PISO called upon him onely *the ſecond*, on CATULUS *the third*, HORTENSIUS *the fourth: This*, he ſays, *did not diſpleaſe him, ſince it left him more at liberty in his voting; and freed him from the obligation of any complaiſance to a man whom he deſpiſed* [*c*]. This Conſul was warmly in the intereſts of CLODIUS; not ſo much out of friendſhip, as a natural inclination to the worſt ſide: for according to CICERO's account of him, he was a man *of a weak and wicked mind; a churliſh, captious*

[*y*] This is ſuppoſed to refer to his ſiſter *Clodia*, a lady famous for her intrigues; who had been trying all arts to tempt *Cicero* to put away *Terentia*, and to take her for his wife.

[*z*] Tho' *Clodius* reproaches *Cicero* here for the extravagant purchaſe of a houſe, yet he himſelf is ſaid to have given afterwards near four times as much for one, *viz.* about 119,000 *l.* ſterling. Plin. Hiſt. N. l. 36. 15.

[*a*] Ad Att. 1. 16.

[*b*] Nam cætera non poſſunt habere neque vim, neque venuſtatem, remoto illo ſtudio contentionis. Ibid.

[*c*] Ibid. 13.

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ſneerer, without any turn of wit; and making men laugh by his looks rather than jeſts; favoring neither the popular, nor the ariſtocratical party; from whom no good was to be expected, becauſe he wiſhed none; nor hurt to be feared, becauſe he durſt do none; who would have been more vicious, by having one vice the leſs, ſloth and lazineſs, &c. [*d*]. Cicero frankly uſed the liberty, which this Conſul's behaviour allowed him, of delivering his ſentiments without any reſerve; giving Piso himſelf no quarter, but expoſing every thing that he did and ſaid in favor of Clodius, in ſuch a manner, *as to hinder the Senate from decreeing to him the province of Syria, which had been deſigned and in a manner promiſed to him* [*e*]. The other Conſul, Messala, was of a quite different character; *a firm and excellent magiſtrate, in the true intereſts of his country, and a conſtant admirer and imitator of* Cicero [*f*].

About this time Cicero is ſuppoſed to have made that elegant oration, ſtill extant, in the defenſe of his old Preceptor, *the Poet* Archias: he expected for his pains *an immortality of fame from the praiſe of* Archias's *muſe*; but by a contrary fate of things, inſtead of deriving any addition of glory from Archias's compoſitions, it is wholly owing to his own, that *the name of* Archias has not long ago been buried in oblivion. From the great character given by him of the talents and genius of this

[*d*] Neque id magis amicitia Clodii ductus, quam ſtudio perditarum rerum, atque partium. Ibid. 14.

Conſul autem ipſe parvo animo & pravo; tantum cavillator genere illo moroſo, quod etiam ſine dicacitate ridetur; facie magis, quam facetiis ridiculus: nihil agens cum Repub. ſejunctus ab optimatibus: a quo nihil ſperes boni Reipub. quia non vult; nihil metuas mali, quia non audet. Ibid. 13.

Uno vitio minus vitioſus, quod iners, quod ſomni plenus. Ibid. 14.

[*e*] Conſulem nulla in re conſiſtere unquam ſum paſſus: deſponſam homini jam Syriam ademi. Ibid. 16.

[*f*] Meſſala Conſul eſt egregius, fortis, conſtans, diligens, noſtri laudator, amator, imitator. Ibid. 14.

this Poet, we cannot help regretting the intire loſs of his works: he had ſung *in Greek verſe the triumphs of* MARIUS *over the* CIMBRI, *and of* LUCULLUS *over* MITHRIDATES; *and was now attempting the Conſulſhip of* CICERO [*g*]: but this periſhed with the reſt, or was left rather unfiniſhed and interrupted by his death, ſince we find no farther mention of it in any of CICERO's later writings. A. Urb. 692. Cic. 46. Coſſ. M. PUPIUS PISO, M. VALERIUS MESSALA.

POMPEY the Great returned to *Rome* about the beginning of this year, in the heighth of his fame and fortunes, from the *Mithridatic war*. The city had been much alarmed about him by various reports from abroad, and ſeveral tumults at home; where a general apprehenſion prevailed, *of his coming at the head of an army to take the government into his hands* [*h*]. It is certain, that he had it now in his power to make himſelf *Maſter of the Republic*, without the hazard even of a war, or any oppoſition to controul him. CÆSAR, with the Tribun METELLUS, was inviting him to it, and had no other ambition at preſent than to ſerve under him: but POMPEY was too phlegmatic to be eaſily induced to ſo deſperate a reſolution; or ſeems rather indeed to have had no thoughts at all of that ſort, but to have been content with the rank which he then poſſeſſed, of *the firſt Citizen of Rome, without a rival*. He had lived in a perpetual courſe of ſucceſs and glory, without any ſlur either from the Senate or the people, to inſpire him with ſentiments

[*g*] Nam & Cimbricas res adoleſcens attigit, & ipſi illi C. Mario, qui durior ad hæc ſtudia videbatur, jucundus fuit.

Mithridaticum vero bellum, magnum atque difficile——totum ab hoc expreſſum eſt; qui libri non modo L. Lucullum——verum etiam populi Rom. nomen illuſtrant.——Nam quas res in Conſulatu noſtro vobiſcum ſimul pro ſalute urbis atque imperii——geſſimus, attigit hic verſibus atque inchoavit: quibus auditis, quod mihi magna res & jucunda viſa eſt, hunc ad perficiendum hortatus ſum. Pro Archia, 9, 11.

[*h*] Plutarch. in Pomp.

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ſentiments of revenge, or to give him a pretenſe for violent meaſures; and he was perſuaded, that the growing diſorders of the city would ſoon force all parties to create him *Dictator*, *for the ſettlement of the State*; and thought it of more honor to his character to obtain that power by the conſent of his citizens, than to extort it from them by violence. But whatever apprehenſions were conceived of him before his coming, they all vaniſhed at his arrival; for he no ſooner ſet foot in *Italy*, than *he disbanded his troops*, *giving them orders onely to attend him in his Triumph*; and with a private retinue purſued his journey to *Rome*, where the whole body of the people came out to receive him with *all imaginable gratulations and expreſſions of joy for his happy return* [*i*].

By his late victories he had greatly extended the barrier of the empire into the continent of *Aſia*, having added to it *three powerful Kingdoms* [*k*], *Pontus*, *Syria*, *Bithynia*, which he reduced to the condition of *Roman Provinces*; leaving *all the other Kings and nations of the Eaſt tributary to the Republic*, *as far as the Tigris*. Among his other conqueſts he took *the city of Jeruſalem*, by the opportunity of a conteſt about the crown *between the two brothers* Hircanus *and* Aristobulus: The lower Town was ſurrendered to him with little or no oppoſition; but *the Fortreſs of the Temple coſt him a ſiege of three months*; nor would he have taken it then ſo eaſily, as Dio tells us [*l*], *had it not been for the advantage*, *that the beſieged gave him by the obſervance of their weekly Sabbaths*, *on which they abſtained ſo religiouſly*

[*i*] Plutarch. in Pomp.

[*k*] Ut Aſia, quæ imperium antea noſtrum terminabat, nunc tribus novis provinciis ipſa cingatur. De Provin. Conſular. 12.

[*l*] Dio, l. 37. p. 36.

ouſly from all work, as to neglect even their neceſſary de- A. Urb. 692. Cic. 46. Coſſ. M. Pupius Piso, M. Valerius Messala.
fenſe. He ſhewed great humanity to the people, and touched *no part of the ſacred treaſure, or veſſels of gold, which were of an immenſe value* [*m*]; yet was drawn by his curioſity *into ſuch a profanation of their Temple*, as mortified them more than all that they had ſuffered by the war: for in taking a view of the buildings, he entered with his officers, *not onely into the Holy Place, where none but the Prieſts, but into the Holy of Holies, where none but the High Prieſt was permitted by the law to enter: by which act*, as a very eminent writer more piouſly perhaps than judiciouſly remarks, *he drew upon himſelf the curſe of God, and never proſpered afterwards* [*n*]. He *carried* Aristobulus *and his children priſoners to Rome, for the ornament of his Triumph*; and ſettled Hircanus in the government and *the High Prieſthood*, but ſubject to a tribute. Upon the receipt of the public letters, which brought the account of his ſucceſs, the Senate paſſed a decree, *that, on all feſtival-days, he ſhould have the privilege to wear a laurel crown with his General's robe; and in the Equeſtrian races of the Circus his triumphal habit:* an honor, which when he had once uſed, to ſhew his gratefull ſenſe of it, he ever after prudently declined; ſince without adding any thing to his power, it could ſerve onely to encreaſe the envy, which many were endeavouring to ſtir up againſt him [*o*].

On the merit of theſe great ſervices he did many acts abroad of a very extraordinary nature; gave what laws he pleaſed to the whole Eaſt; diſtributed the conquered countries at diſcretion to the Kings and Princes who had ſerved

[*m*] At Cn. Pompeius, captis Hieroſolymis, victor ex illo fano nihil attigit. Pro Flacc. 28.

[*n*] Prideaux. Connect. par. 2. p. ~~343~~ 440.

[*o*] Dio, l. 37. p. 39.

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ſerved him in the wars; built twenty-nine new cities, or colonies; and divided to each private ſoldier about fifty pounds ſterling, and to his officers in proportion; ſo that the whole of his donative is computed to amount to above three millions of our money [*p*].

His firſt buſineſs therefore after his return, and what he had much at heart, was to get *theſe acts ratified by public authority*. The popular faction promiſed him every thing, and employed all their ſkill to divert him from an union with Cicero and the Senate, and had made a conſiderable impreſſion upon him: but he found the ſtate of things very different from their repreſentations; ſaw Cicero ſtill in high credit; and by his means the authority of the Senate much reſpected; which obliged him to uſe great management, and made him ſo cautious of offending any ſide, that he pleaſed none. Cicero ſays of his firſt ſpeech, *that it was neither agreeable to the poor, nor reliſhed by the rich; diſappointed the ſeditious, yet gave no ſatisfaction to the honeſt* [*q*]. As he happened to come home in the very heat of Clodius's affair, ſo he was preſently urged by both parties to declare for the one or the other. Fufius, a buſy factious Tribun, demanded of him before the people, *what he thought of* Clodius's *being tried by the Prætor and a bench of Judges? To which he anſwered very ariſtocratically*, as Cicero calls it; *That he had ever taken the authority of the Senate to be of the greateſt weight in all caſes*. And when the Conſul Messala aſked him in the Senate, *what his opinion was of that profanation of religion, and the law propoſed about it?* he

[*p*] Plin. Hiſt. l. 37. 2. Appian. de bell. Mithridat.

[*q*] Prima concio Pompeii——non jucunda miſeris, inanis improbis, beatis non grata, bonis non gravis. Itaque frigebat. Ad Att. 1. 14.

he took occaſion, without entring into particulars, *to applaud in general all that the Senate had done in it; and upon ſitting down, told* CICERO, *who ſat next to him, that he had now ſaid enough, he thought, to ſignify his ſentiments of the matter* [r]. A. Urb. 692. Cic. 46. Coſſ. M. PUPIUS PISO, M. VALERIUS MESSALA.

CRASSUS obſerving POMPEY's reſerve, reſolved to puſh him to a more explicit declaration, or to get the better of him at leaſt in the good opinion of the Senate; riſing up therefore to ſpeak, *he launched out, in a very high ſtrain, into the praiſes of* CICERO's *Conſulſhip; declaring himſelf indebted to it, for his being at that time a Senator and a Citizen; nay, for his very liberty and his life; and that as often as he ſaw his wife, his family, and his country, ſo often he ſaw his obligations to* CICERO. This diſcompoſed POMPEY, who was at a loſs to underſtand CRASSUS's motive; whether it was to *take the benefit of an opportunity, which he had omitted, of ingratiating himſelf with* CICERO; *or that he knew* CICERO's *acts to be in high eſteem, and the praiſe of them very agreeable to the Senate*; and it piqued him the more, for it's coming from a quarter, whence it was leaſt to be expected; from one, whom CICERO out of regard to him had always treated with a particular ſlight. The incident however raiſed CICERO's ſpirits, and made him exert himſelf before *his new hearer*, POMPEY, with all the pride of his eloquence: his topics were, *the firmneſs and gravity of the Senate; the concord of the Equeſtrian order; the concurrence of all Italy; the lifeleſs remains of a baffled conſpiracy; the peace and plenty which had ſince ſucceeded:* all which he diſplayed with his utmoſt force, to let POMPEY ſee his aſcendant ſtill in that aſſembly,

[r] Mihique, ut aſſedit, dixit, ſe putare ſatis ab ſe etiam de illis rebus eſſe reſponſum. Ib.

A. Urb. 692. Cic. 46. Coſſ. M. Pupius Piso, M. Valerius Messala.

and how much he had been impoſed upon by the accounts of his new friends [*s*]. Pompey likewiſe on his ſide began preſently to change his tone, and affected on all public occaſions to pay ſo great a court to Cicero, that the other faction gave him the nick-name of Cnæus Cicero: and their ſeeming union was ſo generally agreeable to the city, *that they were both of them conſtantly clapped, whenever they appeared in the Theater, without a hiſs from any quarter* [*t*]. Yet Cicero eaſily diſcovered, that all this outward civility was but feigned and artificial; *that he was full of envy within, and had no good intentions towards the public; nothing candid or ſincere; nothing great, generous, or free in him* [*u*].

There was one point which Pompey reſolved to carry this ſummer, againſt the univerſal inclination of the city; *the election of* L. Afranius, one of his creatures, to the Conſulſhip: *in which he fights*, ſays Cicero, *neither with authority, nor intereſt, but with what* Philip *of Macedon took every fortreſs, into which he could drive a loaded aſs* [*w*]. Plutarch ſays, *that he himſelf diſtributed the money openly in his own gardens:* but Cicero mentions it as a current report, *that the Conſul* Piso *had undertaken to divide it at his houſe:* which gave birth to two new laws, drawn up by Cato and his brother in law Domitius Ahenobarbus, and ſuppoſed to be levelled

[*s*] Proxime Pompeium ſedebam: intellexi hominem moveri; utrum Craſſum inire eam gratiam, quam ipſe prætermiſiſſet.

Ego autem, Dii boni, quomodo ἐνεπεφτερευσάμην novo auditori Pompeio?—Hæc erat ὑπόθεσις, de gravitate Ordinis, de Equeſtri concordia, de conſenſione Italiæ, de immortuis reliquiis conjurationis, de vilitate, de otio. Ad Att. 1. 14.

[*t*] Uſque eo, ut noſtri illi comiſſatores conjurationis, barbatuli juvenes, illum in ſermonibus Cnæum Cicerone appellent. Itaque & ludis & gladiatoribus mirandas ἐπισημασίας, ſine ulla paſtoricia fiſtula, auferebamus. Ibid 16.

[*u*] Nos, ut oſtendit, admodum diligit—— aperte laudat; occulte, ſed ita ut perſpicuum ſit, invidet: nihil come, nihil ſimplex, nihil ἐν τοῖς πολιτικοῖς honeſtum, nihil illuſtre, nihil forte, nihil liberum. Ibid. 13.

[*w*] In eo neque auctoritate, neque gratia pugnat; ſed quibus Philippus omnia caſtella expugnari poſſe dicebat, in quæ modo aſellus onuſtus auro poſſet aſcendere. Ibid. 16.

velled at the Conſul; the one of which gave a liberty to ſearch the *houſes even of Magiſtrates, on informations of bribery*; the other *declared all thoſe enemies to the State, at whoſe houſes the dividers of money were found* [x]. POMPEY however obtruded AFRANIUS upon the city, by which he diſguſted all the better ſort both of the Senate and people [y]. A. Urb. 692. Cic. 46. Coſſ. M. PUPIUS PISO, M. VALERIUS MESSALA.

He had been making preparation all this ſummer for his Triumph, which he deferred to his birth-day, *the thirtieth of September* [z]; having reſided in the mean while, as uſual, in the ſuburbs: ſo that the Senate and people, in compliment to him, held their aſſemblies generally, during that time, without the walls; ſome of which are mentioned to have been in *the Flaminian Circus* [a]. His Triumph laſted *two days*, and was the moſt ſplendid which had ever been ſeen in *Rome: he built a Temple to* MINERVA *out of the ſpoils*, with an inſcription giving a ſummary of his victories: *That he had finiſhed a war of thirty years; had vanquiſhed, ſlain, and taken two millions, one hundred and eighty three thouſand men; ſunk or taken eight hundred and forty ſix ſhips; reduced to the power of the Empire a thouſand five hundred and thirty eight towns and fortreſſes; and ſubdued all the countries between the lake Mæotis and the Red Sea* [b].

[x] Conſul autem ille——ſuſcepiſſe negotium dicitur, & domi diviſores habere; ſed S. C^ta duo jam facta ſunt odioſa, quòd in Conſulem facta putantur, Catone & Domitio poſtulante, &c. Ibid. 16.

[y] Conſul eſt impoſitus nobis, quem nemo præter nos philoſophos aſpicere ſine ſuſpiratu poſſet. Ibid. 18.

[z] Plin. Hiſt. N. 37. 2.

[a] Fufius in concionem produxit Pompeium; res agebatur in Circo Flaminio. Ad Att. 1. 14.

[b] CN. POMPEIUS. CN. F. MAGNUS. IMP. BELLO. XXX. ANNORUM. CONFECTO. FUSIS. FUGATIS. OCCISIS. IN DEDITIONEM ACCEPTIS. HOMINUM. CENTIES. VICIES. SEMEL. CENTENIS. LXXXIII.M. DEPRESSIS AUT CAPT. NAVIBUS. DCCCXLVI. OPPIDIS. CASTELLIS. M.D.XXXVIII. IN FIDEM RECEPTIS. TERRIS. A. MÆOTI. LACU. AD RUBRUM. MARE. SUBACTIS. VOTUM. MERITO. MINERVÆ. Plin. Hiſt. N. 7. 26.

A. Urb. 692. Cic. 46. Coff. M. Pupius Piso, M. Valerius Messala.

Quintus Cicero, who, by the help and intereſt of his brother, was following him at a proper diſtance, through all the honors of the State, having been *Prætor* the laſt year, now obtained the government of *Aſia*; a rich and noble Province, comprehending the greateſt part of what is called *Aſia Minor*. Before he went to take poſſeſſion of it, he earneſtly preſſed Atticus, whoſe ſiſter he married, to go along with him as one of *his Lieutenants*; and reſented his refuſal ſo heinouſly, that Cicero had no ſmall trouble to make them friends again. There is an excellent letter on this ſubject from Cicero to Atticus; which I cannot forbear inſerting, for the light which it gives us into the genuin characters of all the three, as well as of other great men of thoſe times, with a ſhort account alſo of the preſent ſtate of the Republic.

Cicero *to* Atticus.

" I Perceive from your letter, and the copy of my
" brother's, which you ſent with it, a great altera-
" tion in his affection and ſentiments with regard to
" you: which affects me with all that concern, which
" my extreme love for you both ought to give me; and
" with wonder at the ſame time, what could poſſibly
" happen either to exaſperate him ſo highly, or to effect
" ſo great a change in him. I had obſerved indeed
" before, what you alſo miſtruſted at your leaving us,
" that he had conceived ſome ſecret diſguſt, which
" ſhocked and filled his mind with odious ſuſpicions:
" which tho' I was often attempting to heal, and eſpe-
" cially after the allotment of his Province, yet I could
" neither diſcover that his reſentment was ſo great, as

" it

" it appears to be from your letter, nor find, that what A. Urb. 692.
" I ſaid had ſo great an effect upon him as I wiſhed. I Cic. 46.
" comforted myſelf however with a perſuaſion, that he Coſſ. M. Pupius Piso, M. Valerius Messala.
" would contrive to ſee you at *Dyrrachium*, or ſome
" other place in thoſe parts; and in that caſe made no
" doubt, but that all would be ſet right; not onely by
" your diſcourſe and talking the matter over between
" yourſelves, but by the very ſight and mutual embraces
" of each other: for I need not tell you, who know it
" as well as myſelf, what a fund of good nature and
" ſweetneſs of temper there is in my brother, and how
" apt he is, both to take and to forgive an offence. But
" it is very unlucky, that you did not ſee him; ſince,
" by that means, what others have artfully inculcated
" has had more influence on his mind, than either his
" duty, or his relation to you, or your old friendſhip,
" which ought to have had the moſt. Where the blame
" of all this lies, it is eaſier for me to imagine, than to
" write; being afraid, leſt, while I am excuſing my
" own people, I ſhould be too ſevere upon yours; for
" as I take the caſe to be, if thoſe of his own family did
" not make the wound, they might at leaſt have cured
" it. When we ſee one another again, I ſhall explane
" to you more eaſily the ſource of the whole evil, which
" is ſpread ſomewhat wider than it ſeems to be.-----As
" to the letter which he wrote to you from *Theſſalonica*,
" and what you ſuppoſe him to have ſaid of you to your
" friends at *Rome*, and on the road, I cannot conceive
" what could move him to it. But all my hopes of
" making this matter eaſy depend on your humanity:
" for if you will but reflect, that the beſt men are often
" the moſt eaſy, both to be provoked, and to be ap-
" peaſed;

A. Urb. 692. Cic. 46. Coſſ. M. Pupius Piſo, M. Valerius Meſſala.

" peaſed; and that this quickneſs, if I may ſo call it, or
" flexibility of temper, is generally the proof of a good
" nature; and above all, that we ought to bear with
" one another's infirmities or faults, or even injuries;
" this troubleſome affair, I hope, will ſoon be made up
" again. I beg of you that it may be ſo. For it ought
" to be my ſpecial care, from the ſingular affection
" which I bear to you, to do every thing in my power,
" that all, who belong to me, may both love and be
" beloved by you. There was no occaſion for that part
" of your letter, in which you mention the opportu-
" nities, which you have omitted, of employments both
" in the City and the Provinces; as well at other times,
" as in my Conſulſhip: I am perfectly acquainted with
" the ingenuity and greatneſs of your mind; and never
" thought, that there was any other difference between
" you and me, but in a different choice and method of
" life: whilſt I was drawn, by a ſort of ambition, to the
" deſire and purſuit of honors; you, by other maxims,
" in no wiſe blameable, to the enjoyment of an honora-
" ble retreat. But for the genuin character of probity,
" diligence, exactneſs of behaviour, I neither prefer my
" ſelf, nor any man elſe to you: and as for love to me,
" after my brother and my own family, I give you al-
" ways the firſt place. For I ſaw, and ſaw it in a man-
" ner the moſt affecting, both your ſollicitude and your
" joy, in all the various turns of my affairs; and was
" often pleaſed, as well with the applauſe, which you
" gave me in ſucceſs, as the comfort, which you admi-
" niſtered in my fears: and even now, in the time of
" your abſence, I feel and regret the loſs, not onely of
" your advice, in which you excell all; but of that

" familiar

" familiar chat with you, in which I uſed to take ſo A. Urb. 692. Cic. 46. Coſſ. M. Pupius Piso, M. Valerius Messala.
" much delight. Where then ſhall I tell you that I
" moſt want you? in public affairs? where it can never
" be permitted to me to ſit idle; or in my labors at the
" barr? which I ſuſtained before through ambition;
" but now, to preſerve my dignity: or in my domeſtic
" concerns? where, tho' I always wanted your help
" before, yet ſince the departure of my brother, I now
" ſtand the more in need of it. In ſhort, neither in
" my labors, nor reſt; neither in buſineſs, nor retire-
" ment; neither in the Forum, nor at home; neither
" in public, nor in private affairs, can I live any longer
" without your friendly counſil, and endearing conver-
" ſation. We have often been reſtrained, on both ſides,
" by a kind of ſhame, from explaining ourſelves on
" this article; but I was now forced to it by that part
" of your letter, in which you thought fit to juſtify
" yourſelf and your way of life to me.----But to return
" to my brother; in the preſent ſtate of the ill humor
" which he expreſſes towards you, it happens however
" conveniently, that your reſolution of declining all
" employments abroad was declared and known long
" beforehand, both to me and your other friends; ſo
" that your not being now together cannot be charged
" to any quarrel or rupture between you, but to your
" judgement and choice of life. Wherefore both this
" breach in your union will undoubtedly be healed
" again, and your friendſhip with me remain for ever
" inviolable, as it has hitherto been.-----We live here in
" an infirm, wretched, tottering Republic: for you
" have heard, I gueſs, that our Knights are now almoſt
" diſjoined again from the Senate. The firſt thing

" which

A. Urb. 692. Cic. 46. Coſſ. M. Pupius Piso, M. Valerius Messala.

" which they took amiſs, was the decree for calling the " judges to account, who had taken money in Clodius's " affair: I happened to be abſent when it paſſed; but " hearing afterwards that the whole order reſented it, " tho' without complaining openly, I chid the Senate, " as I thought, with great effect; and in a cauſe not " very modeſt, ſpoke forcibly and copiouſly. They " have now another curious petition, ſcarce fit to be " endured; which yet I not onely bore with, but de- " fended. The company, who hired the *Aſiatic* re- " venues of the Cenſors, complained to the Senate, that, " through too great an eagerneſs, they had given more " for them than they were worth, and begged to be " releaſed from the bargain. I was their chief advo- " cate, or rather indeed the ſecond; for Crassus was " the man, who put them upon making this requeſt. " The thing is odious and ſhamefull, and a public con- " feſſion of their raſhneſs: but there was great reaſon " to apprehend, that if they ſhould obtain nothing, " they would be wholly alienated from the Senate; ſo " that this point alſo was principally managed by me. " For, on the firſt and ſecond of *December*, I ſpoke a " great deal on the dignity of the two orders, and the " advantages of the concord between them, and was " heard very favorably in a full houſe. Nothing how- " ever is yet done; but the Senate appears well diſ- " poſed: for Metellus, the Conſul elect, was the " onely one, who ſpoke againſt us; tho' that Hero of " ours, Cato, was going alſo to ſpeak, if the ſhortneſs " of the day had not prevented him. Thus, in purſuit " of my old meaſures, I am ſupporting, as well as I can, " that concord which my Conſulſhip had cemented:

" but

" but ſince no great ſtreſs can now be laid upon it, I A. Urb. 692. Cic. 46. Coſſ. M. Pupius Piso, M. Valerius Messala.
" have provided my ſelf another way, and a ſure one,
" I hope, of maintaining my authority; which I cannot
" well explane by letter, yet will give you a ſhort hint
" of it. I am in ſtrict friendſhip with Pompey---I know
" already what you ſay---and will be upon my guard, as
" far as caution can ſerve me; and give you a farther
" account, ſome other time, of my preſent conduct in
" politics. You are to know, in the mean while, that
" Lucceius deſigns to ſue directly for the Conſulſhip;
" for he will have, it is ſaid, but two competitors: Cæsar,
" by means of Arrius, propoſes to join with him; and
" Bibulus, by Piso's mediation, thinks of joining with
" Cæsar. Do you laugh at this? Take my word for
" it, it is no laughing matter. What ſhall I write
" farther? What? There are many things; but for
" another occaſion. If you would have us expect you,
" pray let me know it: at preſent I ſhall beg onely
" modeſtly, what I deſire very earneſtly, that you would
" come as ſoon as poſſible. *December the fifth* [*c*].

As to *the petition of the Knights*, mentioned in this letter, Cato, when he came afterwards to ſpeak to it, oppoſed it ſo reſolutely, that he prevailed to have it rejected: which Cicero often condemns, as contrary to all good policy; and complains ſometimes in his letters, that Cato, *tho' he was the onely man who had any regard for the Republic, yet frequently did miſchief, by purſuing his maxims abſurdly, and without any regard to the times* [*d*]: and upon a review of the tranſactions

[*c*] Ad Att. 1. 17.

[*d*] Unus eſt, qui curet, conſtantia magis & integritate, quam, ut mihi videtur, conſilio & ingenio, Cato; qui miſeros publicanos, quos habuit amantiſſimos ſui, tertium jam menſem vexat, neque eis a Senatu reſponſum dari patitur. Ad Att. 1. 18. it. 2. 1.

which had paſſed ſince his Conſulſhip, and the turn which the public affairs were then taking, he ſeems to foretell, *that the Republic could not ſtand much longer; ſince this very year had overthrown the two main pillars of it, which he had been erecting with ſuch pains; the authority of the Senate, and their union with the Knights* [e].

A. Urb. 693. Cic. 47. Coſſ. Q. Cæcilius Metellus Celer, L. Afranius.

Q. Cæcilius Metellus and L. Afranius were now Conſuls. The firſt had been *Prætor* in Cicero's Conſulſhip, and commanded an army againſt Catiline, and was an excellent Magiſtrate and true Patriot; a firm oppoſer of all the factious, and a profeſſed enemy alſo to Pompey; in which he was the more heated by a private reſentment of the affront offered to his ſiſter Mucia, whom Pompey had lately put away [f]. His partner, Afranius, was the creature of Pompey's power; *but of no credit or ſervice to him, on the account of his luxury and lazineſs; being fonder of balls, than of buſineſs.* Cicero calls him *a Conſul, whom none but a Philoſopher could look upon without ſighing; a Soldier without ſpirit; and a proper butt for the raillery of the Senate, where* Palicanus *abuſed him every day to his face; and ſo ſtupid, as not to know the value of what he had purchaſed* [g].

By the help of this Conſul and ſome of the Tribuns, Pompey imagined, that he ſhould readily obtain the ratification of his acts, together with an *Agrarian law*, which

[e] Nam ut ea breviter, quæ poſt diſceſſum tuum acta ſunt, colligam, jam exclames neceſſe eſt, res Romanas diutius ſtare non poſſe.

Sic ille annus duo firmamenta Reipub. per me unum conſtituta, evertit: nam & Senatûs auctoritatem abjecit, & Ordinum concordiam diſjunxit. Ad Att. 1. 18.

[f] Metellus eſt Conſul egregius, & nos amat, &c. Ib. 18, 19, 20. Dio, l. 37. p. 52.

[g] Quem nemo præter nos Philoſophos aſpicere ſine ſuſpiratu poſſet.

Auli autem filius, ô dii immortales! quam ignavus & ſine animo miles! quam dignus, qui Palicano, ſicut facit, os ad male audiendum quotidie præbeat!

Ille alter ita nihil eſt, ut plane quid emerit, neſciat.

Auli filius vero ita ſe gerit, ut ejus Conſulatus non Conſulatus ſit, ſed magni noſtri ὑπώπιον, &c. Ad Att. ib. Dio, ib.

which he was puſhing forward at the ſame time, *for the diſtribution of lands to his ſoldiers*; but he was vigorouſly oppoſed in them both by the other Conſul METELLUS, *and the generality of the Senate* [*h*]. LUCULLUS declared, *that they ought not to confirm his acts in the groſs, as if they received them from a maſter, but to conſider them ſeparately, and ratify thoſe onely which were found to be reaſonable* [*i*]. But the Tribun FLAVIUS, who was the promoter of the law, impatient of this oppoſition, and animated by POMPEY's power, had the hardineſs *to committ* METELLUS *to priſon*; *and when all the Senate followed, and reſolved to go to priſon too, he clapt his chair at the priſon-door to keep them out:* but this violence gave ſuch a general ſcandal to the city, *that* POMPEY *found it adviſable to draw off the Tribun, and releaſe the Conſul* [*k*]. In order to allay theſe heats, CICERO offered an amendment to the law, which ſatisfied both parties, *by ſecuring the poſſeſſions of all private proprietors, and hindering the public lands from being given away:* his propoſal was, *that out of the new revenues which* POMPEY *had acquired to the Empire, five years rent ſhould be ſet apart to purchaſe lands for the intended diſtribution* [*l*]. But the progreſs of the affair was ſuſpended *by the ſudden alarm of a Gallic war*, which was always terrible to *Rome*, and being now

A. Urb. 693. Cic. 47. Coſſ. Q. CÆCILIUS METELLUS CELER, L. AFRANIUS.

[*b*] Agraria autem promulgata eſt a Flavio, ſane levis, &c. Ad Att. 1. 18.

Agraria lex a Flavio Tribuno pleb. vehementer agitabatur, auctore Pompeio:—Nihil populare habebat præter auctorem.——Huic toti rationi agrariæ Senatus adverſabatur, ſuſpicans Pompeio novam quandam potentiam quæri. Ibid. 19.

[*i*] Dio, l. 37. 52.

[*k*] Ibid.

[*l*] Ex hac ego lege, ſecunda concionis voluntate, omnia tollebam quæ ad privatorum incommodum pertinebant.—— Unam rationem non rejiciebam, ut ager hac adventitia pecunia emeretur, quæ ex novis vectigalibus per quinquennium reciperetur.—Magna cum Agrariorum gratia confirmabam omnium privatorum poſſeſſiones, (is enim eſt noſter exercitus, hominum, ut tute ſcis, locupletium) populo autem & Pompeio (nam id quoque volebam) ſatisfaciebam emptione. Ad Att. 1. 19.

A. Urb. 693. Cic. 47. Coſſ. Q. Cæcilius Metellus Celer, L. Afranius.

actually commenced by ſeveral revolted nations, called for the immediate care and attention of the government [*m*].

THE Senate decreed *the two Gauls* ſeverally *to the two Conſuls*; and required them *to make levies without any regard to privilege, or exemption from ſervice: and that three Senators ſhould be choſen by lot, one of them of Conſular rank, to be ſent with a public character to the other Gallic cities, to diſſwade them from joining in the war.* In the allotment of theſe embaſſadors, the firſt lot happened to fall upon CICERO; *but the whole aſſembly remonſtrated againſt it, declaring his preſence to be neceſſary at Rome, and that he ought not to be employed on ſuch an errand.* The ſame thing happened to POMPEY, on whom the next lot fell, *who was retained alſo with* CICERO, *as two pledges of the public ſafety* [*n*]. The three at laſt choſen were Q. METELLUS CRETICUS, L. FLACCUS, and LENTULUS. The *Tranſalpine Gaul*, which was the ſeat of the war, fell *to the lot of* METELLUS; who could not contain his joy upon it for the proſpect of glory which it offered him. METELLUS, ſays CICERO, *is an admirable Conſul: I blame him onely in one thing, for not ſeeming pleaſed with the news of peace from Gaul. He longs, I ſuppoſe, to triumph. I wiſh that he was as moderate in this, as he is excellent in all other reſpects* [*o*].

CICERO

[*m*] Sed hæc tota res interpellata bello refrixerat. Ad Att. 1. 19.

[*n*] Senatus decrevit, ut Conſules duas Gallias ſortirentur; delectus haberetur; vacationes ne valerent; legati cum auctoritate mitterentur, qui adirent Galliæ civitates.—Cum de Conſularibus mea prima ſors exiſſet, una voce Senatus frequens me in urbe retinendum cenſuit. Hoc idem poſt me Pompeio accidit; ut nos duo, quaſi pignora Reipub. retineri videremur. Ibid.

[*o*] Metellus tuus eſt egregius Conſul: unum reprehendo, quod otium e Gallia nunciari non magnopere gaudet. Cupit, credo, triumphare. Hoc vellem mediocrius; cætera egregia. Ibid. 20.

A. Urb. 693. Cic. 47. Coſſ. Q. Cæcilius Metellus Celer, L. Afranius.

Cicero now finiſhed in *the Greek language*, and in the ſtile and manner of Isocrates, what he calls *a Commentary or Memoirs of the tranſactions of his Conſulſhip*; and ſent it to Atticus, with a deſire, if he approved it, *to publiſh it in Athens and the cities of Greece.* He happened to receive a piece at the ſame time, and on the ſame ſubject, from Atticus, which he rallies *as rough and unpoliſhed, and without any beauty, but it's ſimplicity.* He ſent his own work alſo to Posidonius of *Rhodes*, and begged *that he would undertake the ſame argument in a more elegant and maſterly manner.* But Posidonius anſwered him with a compliment, *that inſtead of being encouraged to write by the peruſal of his piece, he was quite deterred from attempting it.* Upon which Cicero ſays jocoſely, *that he had confounded the whole Greek nation, and freed himſelf from the importunity of thoſe little wits, who had been teizing him ſo long, to be employed in writing the hiſtory of his acts* [*p*]. What he ſays in excuſe for taking that taſk upon himſelf, is, *that it was not a panegyric, but a hiſtory*; which makes our loſs of it the greater, ſince it muſt have given a more exact account of thoſe times, than can now be poſſibly had, in an entertaining work, finiſhed with care and elegance; which not onely pleaſed himſelf, as it ſeems to have done very highly, but, as he tells us, every body elſe: *If there be any thing in it*, ſays he, *which does not ſeem to be good Greek, or polite enough to pleaſe your taſt, I will not ſay what* Lucullus *told*

[*p*] Tua illa—horridula mihi atque incompta viſa ſunt: ſed tamen erant ornata hoc ipſo, quod ornamenta neglexerant; & ut mulieres, ideo bene olere, quia nihil olebant, videbantur.——Ad me reſcripſit jam Rhodo Poſidonius, ſe noſtrum illud ὑπόμνημα cum legeret,——non modo non excitatum ad ſcribendum, ſed etiam plane perterritum eſſe.—— Conturbavi Græcam nationem: ita vulgo qui inſtabant, ut darem ſibi quod ornarent, jam exhibere mihi modeſtiam deſtiterunt. Ad Att. 2. 1.

A. Urb. 693. Cic. 47. Coſſ. Q. Cæcilius Metellus Celer, L. Afranius.

told you of his own hiſtory at Panormus, that he had ſcattered ſome barbariſms in it, on purpoſe to make it appear to be the work of a Roman: for if any thing of that kind ſhould be found in mine, it is not with deſign, but contrary to my intention [q].

Upon the plan of theſe Memoirs, he compoſed afterwards *a Latin poem in three books, in which he carried down the hiſtory to the end of his exil*, but did not venture to publiſh it till ſeveral years after: *Not that he was afraid*, he ſays, *of the reſentment of thoſe whom he had laſhed in it, for he had done that part very ſparingly, but of thoſe rather whom he had not celebrated, it being endleſs to mention all who had been ſerviceable to him* [r]. This piece is alſo loſt, except a few fragments ſcattered in different parts of his other writings. *The three books* were ſeverally inſcribed *to three of the Muſes*; of which his brother expreſſes the higheſt approbation, and admoniſhes him to bear in mind what JUPITER *recommends in the end of* URANIA, *or the ſecond book*; which concluded probably with ſome moral leſſon, not unlike to what CALLIOPE preſcribes in the third [s].

Interea curſus, quos primâ a parte juventæ,
Quoſque adeo Conſul virtute animoque petiſti,
Hos retine; atque auge famam laudeſque bonorum.

That

[q] Commentarium Conſulatus mei Græce compoſitum ad te miſi: in quo ſi quid erit, quod homini Attico minus Græcum, eruditumque videatur, non dicam, quod tibi, ut opinor, Panormi Lucullus de ſuis hiſtoriis dixerat, ſe, quo facilius illas probaret Romani hominis eſſe, idcirco barbara quædam & σόλοικα diſperſiſſe. Apud me ſi quid erit ejuſmodi, me imprudente erit & invito. Att. 1. 19.

[r] Scripſi etiam verſibus tres libros de temporibus meis, quos jam pridem ad te miſiſſem, ſi eſſe edendos putaſſem——ſed quia verebar non eos, qui ſe læſos arbitrarentur, etenim id feci parce & molliter; ſed eos, quos erat infinitum bene de me meritos omnes nominare. Ep. fam. 1. 9.

[s] Quod me admones de noſtra Urania, ſuadeſque ut meminerim Jovis orationem, quæ eſt in extremo illo libro: ego vero memini, & illa omnia mihi magis ſcripſi, quam cæteris. Ep. ad Quint. frat. 2. 9. Vid. Att. 2. 3. De Divin. 1. 11.

That noble courſe, in which thy earlieſt youth
Was train'd to virtue, liberty, and truth,
In which, when Conſul, you ſuch honor won,
While Rome with wonder and applauſe look'd on,
The ſame purſue; and let each growing year
A freſh increaſe of fame and glory bear.

A. Urb. 693. Cic. 47. Coſſ. Q. Cæcilius Metellus Celer, L. Afranius.

He publiſhed likewiſe at this time *a Collection of the principal Speeches which he had made in his Conſulſhip*, under the title of *his Conſular Orations:* He choſe to make a ſeparate volume of them, as Demosthenes had done of his *Philippics*, in order to give a ſpecimen of his *civil or political talents*; being *of a different manner*, he ſays, *from the dry and crabbed ſtile of the Bar, and ſhewing, not onely how he ſpoke, but how he acted.* The two firſt were *againſt the Agrarian law* of Rullus; the one to the Senate, the other to the People: the third *on the tumult about* Otho: the fourth, *for* Rabirius: the fifth, *to the ſons of the proſcribed:* the ſixth, *upon his reſigning the province of Gaul:* the ſeventh, eighth, ninth, and tenth, *on the affair of* Catiline: with two more ſhort ones, *as appendixes to thoſe on the Agrarian law.* But of *theſe twelve*, *four* are entirely loſt; *the third, fifth, and ſixth, with one of the ſhort ones*; and ſome of the reſt left maimed and imperfect. He publiſhed alſo at this time in Latin verſe *a tranſlation of the Prognoſtics of* Aratus, which he promiſes to ſend to Atticus with the volume of his orations [*t*]; of which work

[*t*] Fuit enim mihi commodum, quod in eis orationibus, quæ Philippicæ nominantur, enituerat civis ille tuus Demoſthenes, & quod ſe ab hoc refractariolo judiciali dicendi genere abjunxerat, ut σεμνότερος τις & ποικιλώτερος videretur, curare, ut meæ quoque eſſent Orationes, quæ Conſulares nominarentur.—— Hoc totum σῶμα curabo ut habeas: & quoniam te cum ſcripta, tum res meæ delectant, iiſdem libris perſpicies, & quæ geſſerim, & quæ dixerim. Att. 2. 1.

Prognoſtica mea cum oratiunculis propediem expecta. Ibid.

A. Urb. 693. Cic. 47. Coſſ. Q. Cæcilius Metellus Celer, L. Afranius.

work there are onely two or three ſmall fragments now remaining.

Clodius, who had been contriving all this while how to revenge himſelf on Cicero, began now to give an opening to the ſcheme, which he had formed for that purpoſe. His project was to get himſelf choſen *Tribun*, and in that office to drive him out of the city, by the publication of a law, which by ſome ſtratagem or other he hoped to obtrude upon the people [*u*]. But as all *Patricians were incapable of the Tribunate*, by it's original Inſtitution, ſo his firſt ſtep was to make himſelf *a Plebeian*, by the pretenſe of *an adoption into a Plebeian houſe*, which could not yet be done without the ſuffrage of the people. This caſe was wholly new, and contrary to all the forms; wanting every condition, and ſerving none of the ends, which were required in regular adoptions; ſo that on the firſt propoſal it ſeemed too extravagant to be treated ſeriouſly, and would ſoon have been hiſſed off with ſcorn, had it not been concerted and privately ſupported by perſons of much more weight than Clodius. Cæsar was at the bottom of it, and Pompey ſecretly favored it: not that they intended to ruin Cicero, but to keep him onely under the laſh; and if they could not draw him into their meaſures, or make him at leaſt ſit quiet, to let Clodius looſe upon him. The ſollicitor of it was one Herennius, an obſcure hardy Tribun, who firſt moved it to the Senate, and afterwards to the people, but met with no encouragement from either: for the Conſul Metellus, tho' brother in law to Clodius, warmly oppoſed it [*x*]; and declared,

[*u*] Ille autem non ſimulat, ſed plane Tribunus pleb. fieri cupit. Ad Att. 2. 1.

[*x*] Verum præclare Metellus impediet & impediet. Ibid.

declared, *that he would ſtrangle him ſooner with his own hands, than ſuffer him to bring ſuch a diſgrace upon his family* [*y*]: yet HERENNIUS perſiſted to preſs it, but without any viſible effect or ſucceſs; and ſo the matter hung through the remainder of the year. A. Urb. 693. Cic. 47. Coſſ. Q. CÆCILIUS METELLUS CELER, L. AFRANIUS.

CICERO affected to treat it with the contempt, which it ſeemed to deſerve; ſometimes rallying CLODIUS with much pleaſantry, ſometimes admoniſhing him with no leſs gravity: he told him in the Senate, *that his attempt gave him no manner of pain; and that it ſhould not be any more in his power to overturn the State, when a Plebeian, than it was in the power of the Patricians of the ſame ſtamp in the time of his Conſulſhip* [*z*]. But whatever face he put outwardly on this affair, it gave him a real uneaſineſs within, and made him unite himſelf more cloſely with POMPEY, for the benefit of his protection againſt a ſtorm, which he ſaw ready to break upon him; while POMPEY, ruffled likewiſe by the oppoſition of the Senate, was as forward on his ſide to embrace CICERO, as a perſon neceſſary to his intereſts. CICERO however imagining that this ſtep would be cenſured by many, as a deſertion of his old principles, takes frequent occaſion to explane the motives of it to his friend ATTICUS, declaring, "that the abſolution of CLODIUS, the alienation of the Knights, the indolence and luxury of the Conſular Senators, who minded nothing but their fiſh-ponds, their carps and mullets, and yet were all envious of him, made it neceſſary for him to ſeek ſome firmer ſupport and alliance----That in this new

[*y*] Qui Conſul incipientem furere atque conantem, ſua ſe manu interfecturum, audiente Senatu dixerit. Pro Cælio, 24.

[*z*] Sed neque magnopere dixi eſſe nobis laborandum, quod nihilo magis ei liciturum eſſet Plebeio Rempub. perdere, quam ſimilibus ejus me Conſule Patriciis eſſet licitum. Ad Att. 2. 1.

A. Urb. 693. Cic. 47. Coſſ. Q. Cæcilius Metellus Celer, L. Afranius.

" friendſhip he ſhould attend ſtill to what the *Sicilian* " wagg Epicharmus whiſpered, *Be watchfull and diſ-* " *truſt, for thoſe are the nerves of the mind* [*a*]." On another occaſion he obſerves, " That his union with " Pompey, tho' uſefull to himſelf, was more uſefull to " the Republic, by gaining a man of his power and " authority, who was wavering and irreſolute, from the " hopes and intrigues of the factious: that if this could " not have been done without drawing upon himſelf a " charge of levity, he would not have purchaſed that, " or any other advantage at ſuch a price; but he had " managed the matter ſo, as not to be thought the " worſe citizen for joining with Pompey, but Pompey " himſelf the better, by declaring for him.---That ſince " Catulus's death, he ſtood ſingle and unſupported " by the other Conſulars in the cauſe of the ariſtocracy; " for, as the Poet Rhinton ſays, *Some of them were* " *good for nothing, others cared for nothing* [*b*]. But " how much theſe fiſhmongers of ours envy me, ſays " he, I will write you word another time, or reſerve it " to our meeting. Yet nothing ſhall ever draw me " away from the Senate; both becauſe it is right, and " moſt agreeable to my intereſt, and that I have no " reaſon to be diſpleaſed with the marks of reſpect " which they give me [*c*]." In a third letter, he ſays, " You chide me gently for my union with Pompey: I " would

[*a*] Cum hoc ego me tanta familiaritate conjunxi, ut uterque noſtrum in ſua ratione munitior, & in Repub. firmior hac conjunctione eſſe poſſit.——

Et ſi iis novis amicitiis implicati ſumus, ut crebro mihi vafer ille Siculus, inſuſurret Epicharmus, cantilenam illam ſuam:

Νᾶφε χὴ μέμνασ' ἀπιστεῖν. ἄρθρα ταῦτα τῶν φρενῶν. Ad Att. 1. 19.

[*b*] Illud tamen velim exiſtimes, me hanc viam optimatium poſt Catuli mortem nec præſidio ullo nec comitatu tenere. Nam ut ait Rhinton, ut opinor,

Ὅι μὲν παρ' ὀδὸν εἰσιν, ὅις δ' ὀδὸν μέλει. Ad Att. 1. 20.

[*c*] Mihi vero ut invideant piſcinarii noſtri, aut ſcribam ad te alias, aut in congreſſum noſtrum reſervabo. A curia autem nulla me res divellet. Ibid.

" would not have you to think that I ſought it onely A. Urb. 693.
" for my own ſake; but things were come to ſuch a Cic. 47.
" criſis, that if any difference had happened between Coſſ. Q. Cæcilius Metellus Celer, L. Afranius.
" us, it muſt have cauſed great diſturbance in the Re-
" public; which I have guarded againſt in ſuch a
" manner, that without departing from my own maxims,
" I have rendered him the better, and made him remit
" ſomewhat of his popularity: for you muſt know, that
" he now ſpeaks of my acts, which many have been
" incenſing him againſt, much more gloriouſly than he
" does of his own; and declares, that he had onely
" ſerved the ſtate ſucceſsfully, but that I had ſaved
" it [*d*]. What good this will do to me, I know not;
" but it will certainly do much to the Republic. What
" if I could make Cæsar alſo a better citizen, whoſe
" winds are now very proſperous; ſhould I do any
" great harm by it? Nay, if there were none who
" really envied me, but all were encouraging me as
" they ought, it would yet be more commendable to
" heal the vitiated parts of the State, than to cut them
" off: but now, when that body of Knights, who were
" planted by me in my Conſulſhip, with you at their
" head, as our guard in the *Capitol*, have deſerted the
" Senate, and our Conſulars place their chief happineſs
" in training the fiſh in their ponds to feed from their
" hands, and mind nothing elſe; do not you think,
" that I am doing good ſervice, by managing ſo, that
" thoſe, who can do miſchief, will not? For as to our
" friend Cato, you cannot love him more than I do;

[*d*] Quem de meis rebus, in quàs multi eum incitarant, multo ſcito glorioſius, quam de ſuis prædicare. Sibi enim bene geſtæ, mihi conſervatæ Reipub. dat teſtimonium. Ibid. 2. 1.

A. Urb. 693. Cic. 47. Coſſ. Q. Cæcilius Metellus Celer, L. Afranius.

" yet, with the beſt intentions and the greateſt integrity,
" he often hurts the Republic; for he delivers his opi-
" nion, as if it were in the polity of Plato, not in
" the dregs of Romulus [*e*]. What could be more juſt,
" than to call thoſe to an account, who had received
" money for judging? Cato propoſed, the Senate
" agreed to it: the Knights preſently declared war
" againſt the Senate, not againſt me, for I was not of
" that opinion. What more impudent, than to demand
" a releaſe from their contract? yet it was better to
" ſuffer that loſs, than to alienate the whole order: but
" Cato oppoſed it, and prevailed; ſo that now, when
" the Conſul was thrown into priſon, as well as in all
" the tumults which have lately happened, not one of
" them would ſtir a foot; tho' under me, and the Con-
" ſuls who ſucceded me, they had defended the Re-
" public ſo ſtrenuouſly, &c. [*f*]

In the midſt of theſe tranſactions, Julius Cæsar returned from the government of *Spain*, which had been allotted to him from his *Prætorſhip*, with great fame both for his military and political acts. He conquered the barbarous nations by his arms, and civilized them by his laws; *and having ſubdued the whole country as far as the Ocean, and been ſaluted Emperor by the ſoldiers, came away in all haſt to Rome, to ſue at the ſame time for the double honor of a Triumph and the Conſulſhip* [*g*]. But

[*e*] Nam Catonem noſtrum non tu amas plus, quam ego. Sed tamen ille optimo animo utens, & ſumma fide, nocet interdum Reipub. dicit enim tanquam in Platonis πολιτείᾳ, non tanquam in Romuli fæce, ſententiam. Ad Att. 2. 1.

[*f*] Reſtitit & pervicit Cato. Itaque nunc, Conſule in carcere incluſo, ſæpe item ſeditione commota, aſpiravit nemo eorum, quorum ego concurſu, itemque Conſules, qui poſt me fuerunt, Rempub. defendere ſolebant. Ad Att. 2. 1.

[*g*] Jura ipſorum permiſſu ſtatuerit; inveteratam quandam barbariam ex Gaditanorum moribus & diſciplina delerit. Pro Balbo, 19.

Pacatâque provinciâ, pari feſtinatione, non expectato ſucceſſore, ad triumphum ſimul conſulatumque deceſſit. Sueton. J. Cæſ. 18. Vid. it. Dio. l. 37. p. 54.

A. Urb. 693. Cic. 47. Coſſ. Q. Cæcilius Metellus Celer, L. Afranius.

But his demand of the firſt was, according to the uſual forms, incompatible with his pretenſions to the ſecond; ſince the one obliged him to continue without the city, the other made his preſence neceſſary within: ſo that finding an averſion in the Senate *to diſpenſe with the laws in his favor*, he preferred the ſolid to the ſpecious, *and dropt the Triumph, to lay hold on the Conſulſhip* [*h*]. He deſigned L. Lucceius for his Collegue, and privately joined intereſts with him, on condition that Lucceius, who was rich, *ſhould furniſh money ſufficient to bribe the Centuries*. But the Senate, always jealous of his deſigns, and fearing the effects of his power, when ſupported by a Collegue ſubſervient to his will, eſpouſed the other candidate, Bibulus, with all their authority, and made *a common purſe, to enable him to bribe as high as his competitors*; *which* Cato *himſelf is ſaid to have approved* [*i*]. By this means they got Bibulus elected, to their great joy; a man firm to their intereſts, and determined to obſtruct all the ambitious attempts of Cæsar.

Upon Cæsar's going to *Spain*, he had engaged Crassus *to ſtand bound for him to his creditors, who were clamorous and troubleſome, as far as two hundred thouſand pounds ſterling: ſo much did he want to be worth nothing*, as he merrily ſaid of himſelf [*k*]. Crassus hoped, by the purchaſe of his friendſhip, to be able to make head againſt Pompey in the adminiſtration of public

[*h*] Dio, ibid.

[*i*] Pactus ut is, quoniam inferior gratia eſſet, pecuniaque polleret, nummos de ſuo, communi nomine per centurias pronuntiaret. Qua cognita re, Optimates, quos metus ceperat, nihil non auſurum eum in ſummo magiſtratu, concordi & conſentiente collega, auctores Bibulo fuerunt tantundem pollicendi: ac plerique pecunias contulerunt; ne Catone quidem abnuente eam largitionem e Repub. fieri. Sueton. ib. 19.

[*k*] Plutarch. in Cæſ. Appian. de bello civ. 2. p. 432. Sueton. ib. 18.

A. Urb. 693. Cic. 47. Coſſ. Q. Cæcilius Metellus Celer, L. Afranius.

public affairs: but Cæsar, who had long been courting Pompey, and laboring to diſengage him from an union with Cicero *and the ariſtocratical intereſt*, eaſily ſaw, that as things then ſtood, their joint ſtrength would avail but little towards obtaining what they aimed at, unleſs they could induce Pompey alſo to join with them: on pretence therefore of reconciling Pompey and Crassus, who had been conſtant enemies, he formed the project of *a triple league between the three*; *by which they ſhould mutually oblige themſelves to promote each other's intereſt, and to act nothing but by common agreement*: to this Pompey eaſily conſented, on account of the diſguſt which the Senate had impoliticly given him, by their perverſe oppoſition to every thing which he deſired or attempted in the State.

This is commonly called *the firſt Triumvirate*; which was nothing elſe in reality but a traiterous *Conſpiracy of three*, the moſt powerfull Citizens of *Rome*, to extort from their country by violence what they could not obtain by law. Pompey's chief motive was, *to get his acts confirmed by* Cæsar *in his Conſulſhip*; Cæsar's, *by giving way to* Pompey's *glory, to advance his own*; and Crassus's, *to gain that aſcendant, which he could not ſuſtain alone, by the authority of* Pompey *and the vigor of* Cæsar [*l*]. But Cæsar, who formed the ſcheme, eaſily ſaw, that the chief advantage of it would neceſſarily redound to himſelf: he knew, that the old enmity between the other two, tho' it might be palliated, could never be healed without leaving a ſecret jealouſy between

[*l*] Hoc conſilium Pompeius habuerat, ut tandem acta in tranſmarinis provinciis per Cæſarem confirmarentur Conſulem: Cæſar autem, quod animadvertebat, ſe cedendo Pompeii gloriæ auƈturum ſuam; & invidia communis potentiæ in illum relegata, confirmaturum vires ſuas: Craſſus, ut quem principatum ſolus aſſequi non poterat, auƈtoritate Pompeii, viribus teneret Cæſaris. Vell. Pat. 2. 44.

tween them; and as by their common help he was ſure to make himſelf ſuperior to all others, ſo by managing the one againſt the other, he hoped to gain at laſt a ſuperiority alſo over them both [*m*]. To cement this union therefore the more ſtrongly by the ties of blood, as well as intereſt, he gave his daughter JULIA, a beautifull and accompliſhed young lady, in marriage to POMPEY: and from this æra all the Roman writers date *the origin of the civil wars*, which afterwards enſued, and the ſubverſion of the Republic, in which they ended [*n*].

A. Urb. 693. Cic. 47. Coſſ. Q. CÆCILIUS METELLUS CELER, L. AFRANIUS.

----------tu cauſa malorum
Facta tribus dominis communis Roma----

LUCAN. I. 85.

Hence flow'd our ills, hence all that civil flame,
When Rome the common ſlave of three became.

CICERO might have made what terms he pleaſed with the Triumvirate; been admitted even *a partner of their power, and a fourth in their league*; which ſeemed to want a man of his character to make it complete. For while the reſt were engaged in their governments, and the command of armies abroad, his authority would have been of ſingular uſe at home, to manage the affairs of the city, and ſollicit what they had to tranſact with the Senate or People. CÆSAR therefore was extremely deſirous to add him to the party, or to engage him rather in particular meaſures with himſelf; and no ſooner entered into the Conſulſhip, than he ſent him word by their

[*m*] Sciebat enim, ſe alios facile omnes ipſorum auxilio, deinde ipſos etiam, unum per alterum, haud multo poſtea ſuperaturum eſſe. Dio, l. 37. 55.

[*n*] Inter eum & Cn. Pompeium & M. Craſſum inita potentiæ ſocietas, quæ urbi orbique terrarum, nec minus diverſo quoque tempore, etiam ipſis exitiabilis fuit. Vell. Pat. 2. 44.

Motum ex Metello conſule civicum, &c.
Hor. Carm. 2. 1.

A. Urb. 693. Cic. 47. Coſſ. Q. Cæcilius Metellus Celer, L. Afranius.

their common friend Balbus, *that he would be governed in every ſtep by him and* Pompey, *with whom he would endeavour to join* Crassus *too* [*o*]. But Cicero would not enter into any engagements jointly *with the Three*, whoſe union he abhorred; nor into private meaſures with Cæsar, whoſe intentions he always ſuſpected. He thought Pompey the better citizen of the two; took his views to be leſs dangerous, and his temper more tractable; and imagined, that a ſeparate alliance with him would be ſufficient to ſkreen him from the malice of his enemies. Yet this put him under no ſmall difficulty: for if he oppoſed the Triumvirate, he could not expect to continue well with Pompey; or, if he ſerved it, with the Senate: in the firſt, he ſaw his ruin; in the ſecond, the loſs of his credit. He choſe therefore, what the wiſe will always chuſe in ſuch circumſtances, a middle way; to temper his behaviour ſo, *that with the conſtancy of his duty to the Republic, he might have a regard alſo to his ſafety, by remitting ſomewhat of his old vigor and contention, without ſubmitting to the meanneſs of conſent or approbation; and when his authority could be of no uſe to his country, to manage their new maſters ſo, as not to irritate their power to his own deſtruction*; which was all that he deſired [*p*]. This was the ſcheme of politics, which, as he often laments, *the weakneſs of the honeſt, the perverſeneſs of the envious, and the hatred of the wicked obliged him to purſue.*

— One

[*o*] Cæſar Conſul egit eas res, quarum me participem eſſe voluit———me in tribus ſibi conjunctiſſimis Conſularibus eſſe voluit. De Provinc. Conſular. 17.

Nam fuit apud me Cornelius, hunc dico Balbum, Cæſaris familiarem. Is affirmabat, eum omnibus in rebus meo & Pompeii conſilio uſurum, daturumque operam ut cum Pompeio Craſſum conjungeret. Hic ſunt hæc. Conjunctio mihi ſumma cum Pompeio; ſi placet etiam cum Cæſare. Ad Att. 2. 3.

[*p*] Nihil jam a me aſperum in quenquam fit, nec tamen quidquam populare ac diſſolutum; ſed ita temperata tota ratio eſt, ut Reip. conſtantiam præſtem, privatis rebus meis, propter infirmitatem bonorum, iniquitatem malevolorum, odium in me improborum, adhibeam quandam cautionem. Att. 1. 19.

ONE of his intimate friends, PAPIRIUS PÆTUS, made him a preſent about this time of a collection of books, which fell to him by the death of his brother SERVIUS CLAUDIUS, a celebrated ſcholar and critic of that age [*q*]. The books were all at *Athens*, where SERVIUS probably died; and the manner in which CICERO writes about them to ATTICUS, ſhews what a value he ſet upon the preſent, and what pleaſure he expected from the uſe of it. A. Urb. 693. Cic. 47. Coſſ. Q. CÆCILIUS METELLUS CELER, L. AFRANIUS.

" PAPIRIUS PÆTUS, ſays he, an honeſt man, who " loves me, has given me the books, which his brother " SERVIUS left; and ſince your agent CINCIUS tells me, " that I may ſafely take them by the *Cincian* law [*r*], " I readily ſignified my acceptance of them. Now if " you love me, or know that I love you, I beg of you " to take care by your friends, clients, hoſts, freed- " men, ſlaves, that not a leaf of them be loſt. I am in " extreme want both of the Greek books, which I gueſs, " and the Latin, which I know him to have left: for I " find more and more comfort every day, in giving all " the time, which I can ſteal from the Bar, to thoſe " ſtudies. You will do me a great pleaſure, a very " great one, I aſſure you, by ſhewing the ſame diligence " in this, that you uſually do in all other affairs, which " you take me to have much at heart, &c. [*s*]

WHILE CICERO was in the country in the end of the year, his *Architect* CYRUS was finiſhing for him at *Rome* ſome additional buildings to his houſe *on mount Palatin*:

[*q*] Ut Servius, frater tuus, quem literatiſſimum fuiſſe judico, facile diceret, hic verſus Plauti non eſt. Ep. fam. 9. 16.

[*r*] The pleaſantry which *Cicero* aims at, turns on the name of *Atticus*'s agent being the ſame with that of the author of the law; as if, by being of that family, his authority was a good warrant for taking any preſent.

[*s*] Ad Att. 1. 20.

but ATTICUS, who was juſt returned from *Athens*, found great fault *with the ſmallneſs of the windows*; to which CICERO gives a jocoſe anſwer, bantering both the objection of ATTICUS, and the way of reaſoning of *the architects: You little think*, ſays he, *that in finding fault with my windows, you condemn the inſtitution of* CYRUS [*t*]; *for when I made the ſame objection,* CYRUS *told me, that the proſpect of the fields did not appear to ſuch advantage through larger lights. For let the eye be* A; *the object* B, C; *the rays* D, E; *you ſee the reſt. If viſion indeed were performed, as you Epicureans hold, by images flying off from the object, thoſe images would be well crowded in ſo ſtrait a paſſage; but if by the emiſſion of rays from the eye, it will be made commodiouſly enough. If you find any other fault, you ſhall have as good as you bring; unleſs it can be mended without any coſt to me* [*u*].

A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

CÆSAR and BIBULUS entered now into the Conſulſhip, with views and principles wholly oppoſite to each other; while the Senate were pleaſing themſelves with their addreſs in procuring one Conſul of their own, to check the ambition of the other, and expecting now to reap the fruit of it. But they preſently found upon a trial, that the balance and conſtitution of the Republic was quite changed by the over-bearing power *of the Three*; and that CÆSAR was too ſtrong to be controuled by any of the legal and ordinary methods of oppoſition: he had gained *ſeven of the Tribuns*, of whom VATINIUS was the captain of his mercenaries; whoſe taſk it was to ſcour the ſtreets, ſecure the avenues of the Forum, and clear it by a ſuperior force of all, who were prepared to oppoſe them.

CLODIUS,

[*t*] Referring to the celebrated piece of *Xenophon*, called by that name.

[*u*] Ad Att. 2. 3.

CLODIUS, in the mean time, was puſhing on the affair of *his adoption*; and ſolliciting the people to confirm the law, which he had provided for that purpoſe. The *Triumvirate* pretended to be againſt it, or at leaſt to ſtand neuter; but were watching CICERO's motions, in order to take their meaſures from his conduct, which they did not find ſo obſequious as they expected. In this interval it happened, that C. ANTONIUS, CICERO's collegue, who had governed *Macedonia* from the time of his Conſulſhip, was now impeached and brought to a trial *for the male-adminiſtration of his Province*; and being found guilty, was condemned to perpetual exil. CICERO was his advocate, and, in the courſe of his pleading, happened to fall, with his uſual freedom, *into a complaint of the times, and the oppreſſion of the Republic*, in a ſtyle that was interpreted to reflect ſeverely upon their preſent rulers. The ſtory was carried directly to CÆSAR, and repreſented to him in ſuch colors, that he reſolved to revenge it preſently on CICERO, by bringing on CLODIUS's *law*; and was ſo eager in it, that he inſtantly called an aſſembly of the people, and being aſſiſted by POMPEY, as *Augur*, to make the act legal and auſpicious, got the adoption ratified by the people through all the forms [x], *within three hours from the time of* CICERO's *ſpeaking*.

A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

BIBULUS, who was an *Augur* too, being advertiſed of what was going forward, ſent notice to POMPEY, *that he was obſerving the heavens and taking the auſpices*, during which function it was illegal to tranſact any buſineſs

[x] Hora fortaſſe ſexta diei queſtus ſum in judicio, cum C. Antonium defenderem, quædam de Repub. quæ mihi viſa ſunt ad cauſam miſeri illius pertinere. Hæc homines improbi ad quoſdam viros fortes longe aliter atque a me dicta erant, detulerunt. Hora nona, illo ipſo die, tu es adoptatus. Pro Dom. 16. Vid. Sueton. J. Cæſ. 20.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

with the people [*y*]. But Pompey, inſtead of paying any regard to his meſſage, gave a ſanction to the proceding, by preſiding in it; ſo that it was carried without any oppoſition. *And thus the bow*, as Cicero calls it, *which had been kept bent againſt him and the Republic, was at laſt diſcharged* [*z*]; and a plain admonition given to him, what he had to expect, if he would not be more complying. For his danger was brought one ſtep nearer, by laying the Tribunate open to Clodius, whoſe next attempt would probably reach home to him. Theſe *laws of Adoption* were drawn up in the ſtile of a petition to the people, after the following form.

May it pleaſe you, Citizens, to ordain, that P. Clodius *be, to all intents and purpoſes of law, as truly the ſon of* Fonteius, *as if he were begotten of his body in lawfull marriage; and that* Fonteius *have the power of life and death over him, as much as a father has over a proper ſon: this, Citizens, I pray you to confirm in the manner in which it is deſired* [*a*].

There were three conditions abſolutely neceſſary to make an act of this kind regular: firſt, *that the adopter ſhould be older than the adopted, and incapable of procreating children, after having endeavoured it without ſucceſs when he was capable:* ſecondly, *that no injury or diminution ſhould be done to the dignity, or the religious rites*

[*y*] Negant fas eſſe agi cum populo cum de cœlo ſervatum ſit. Quo die de te lex curiata lata eſſe dicatur, audes negare de cœlo eſſe ſervatum? Adeſt præſens vir ſingulari virtute——M. Bibulus: hunc Conſulem illo ipſo die contendo ſervaſſe de cœlo. Pro Dom. 15.

[*z*] Fuerat ille annus——tanquam intentus arcus in me unum, ſicut vulgo rerum ignari loquebantur, re quidem vera in univerſam Rempub. traductione ad plebem furibundi hominis. Pro Sext. 7.

[*a*] The Lawyers and all the later writers, from the authority of *A. Gellius*, call this kind of adoption, which was confirmed by a law of the people, an *Adrogation:* but it does not appear, that there was any ſuch diſtinction in *Cicero*'s time, who, as oft as he ſpeaks of this act, either to the Senate or the people, never uſes any other term than that of *Adoption*. Vid. A. Gell. l. 5. 19.

rites of either family: thirdly, *that there ſhould be no fraud or colluſion in it; nor any thing ſought by it, but the genuin effects of a real adoption.* All theſe particulars were to be previouſly examined by *the College of Prieſts*; and if after a due inquiry they approved the petition, it was propoſed to the ſuffrage of the citizens *living in Rome*, who voted according to their original diviſion *into thirty Curiæ*, or wards, which ſeem to have been analogous to *our pariſhes* [*b*]; where no buſineſs however could be tranſacted, when *an Augur or Conſul was obſerving the heavens.* Now in this adoption of CLODIUS, there was not one of theſe conditions obſerved: *the College of Prieſts was not ſo much as conſulted; the adopter* FONTEIUS *had a wife and children; was a man obſcure and unknown, not full twenty years old, when* CLODIUS *was thirty five, and a Senator of the nobleſt birth in Rome:* nor was there any thing meant by it, but purely *to evade the laws, and procure the Tribunate:* for the affair was no ſooner over, than CLODIUS *was emancipated*, or ſet free again by his new father from all his obligations [*c*]. But theſe obſtacles ſignified nothing to CÆSAR, who always took the ſhorteſt way to what he aimed at, and valued neither forms nor laws, when he had a power ſufficient to controul them.

A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

BUT the main trial of ſtrength between the two Conſuls was about the promulgation of *an Agrarian law*, which CÆSAR had prepared, *for diſtributing the lands of Campania*

[*b*] Comitiis Curiatis.

[*c*] Quod jus eſt adoptionis, Pontifices? Nempe, ut is adoptet, qui neque procreare liberos jam poſſit, & cum potuerit, ſit expertus. Quæ denique cauſa cuique adoptionis, quæ ratio generum ac dignitatis, quæ ſacrorum, quæri a Pontificum collegio ſolet. Quid eſt horum in iſta adoptione quæſitum? Adoptat annos viginti natus, etiam minor, Senatorem. Liberorumne cauſa? at procreare poteſt. Habet uxorem: ſuſcepit etiam liberos.——Quæ omnis notio Pontificum cum adoptarere eſſe debuit, &c. Pro Dom. ad Pontif. 13.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

Campania to twenty thouſand poor citizens, who had each three children or more. Bibulus muſtered all his forces to oppoſe it, and came down to the Forum full of courage and reſolution, guarded by *three of the Tribuns* and the whole body of the Senate; and as oft as Cæsar attempted to recommend it, he as often interrupted him, and loudly remonſtrated againſt it, declaring, that it ſhould never paſs in his year. From words they ſoon came to blows; where Bibulus *was roughly handled, his Faſces broken, pots of filth thrown upon his head; his three Tribuns wounded, and the whole party driven out of the Forum by* Vatinius, *at the head of* Cæsar's *mob* [*d*]. When the tumult was over, and the Forum cleared of their adverſaries, Cæsar produced Pompey *and* Crassus *into the Roſtra*, to ſignify their opinion of the law to the people; where Pompey, after ſpeaking largely in praiſe of it, declared in the concluſion, *that if any ſhould be ſo hardy as to oppoſe it with the ſword, he would defend it with his ſhield.* Crassus applauded what Pompey ſaid, and warmly preſſed the acceptance of it; ſo that it paſſed upon the ſpot without any farther contradiction [*e*]. Cicero was in the country during this conteſt, but ſpeaks of it with great indignation in a letter to Atticus, and wonders at Pompey's policy, in ſupporting Cæsar in an act ſo odious, *of alienating the beſt revenues of the Republic*; and ſays, *that he muſt not think to make them amends by his rents on mount Libanus, for the loſs of thoſe, which he had taken from them in Campania* [*f*]. The

[*d*] Idemque tu—nomine C. Cæſaris, clementiſſimi atque optimi viri, ſcelere vero atque audacia tua, M. Bibulum foro, curia, templis, locis publicis omnibus expuliſſes, incluſum domi contineres. In Vatin. 9. Dio, 38. 61. Suet. J. Cæſ. 20. Plutarch. Pomp.

[*e*] Dio, ibid. l. 38. 61.

[*f*] Cnæus quidem noſter jam plane quid cogitet, neſcio. Ad Att. 2. 16.

Quid dices? Vectigal te nobis in monte Antilibano conſtituiſſe, agri Campani abſtuliſſe. Ibid.

The Senate and all the Magiſtrates were obliged, by a ſpecial clauſe of this law, *to take an oath to the obſervance of it*; which CATO himſelf, tho' he had publicly declared that he would never do it, was forced at laſt to ſwallow [*g*]. A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

BIBULUS made his complaint the next day in the Senate, of the violence offered to his perſon; but finding the aſſembly ſo cold and intimidated, *that no body cared to enter into the affair, or to move any thing about it, he retired to his houſe in deſpair, with a reſolution to ſhut himſelf up for the remaining eight months of the year, and to act no more in public but by his edicts* [*h*]. This was a weak ſtep in a magiſtrate armed with ſoverein authority; for tho' it had one effect, which he propoſed by it, of turning the odium of the city upon his collegue, yet it had another that overbalanced it, of ſtrengthening the hands and raiſing the ſpirits of the adverſe party, by leaving the field wholly clear to them.

As CÆSAR's view in *the Agrarian law* was to oblige the populace, ſo he took the opportunity, which the Senate had thrown into his hands, of obliging *the Knights* too, by eaſing them of the diſadvantageous contract, which they had long in vain complained of, and *remitting a third part of what they had ſtipulated to pay* [*i*]: and when CATO ſtill oppoſed it with his uſual firmneſs, *he ordered him to be hurried away to priſon.* He imagined, that CATO would have appealed to the Tribuns; but ſeeing him go along patiently, without ſpeaking a word, and reflecting, that ſuch a violence would create a freſh

[*g*] Dio, ibid.

[*h*] Ac poſtero die in Senatu conqueſtum, nec quoquam reperto, qui ſuper tali conſternatione referre, aut cenſere aliquid auderet—in eam coegit deſperationem, ut quoad poteſtate abiret, domo abditus nihil aliud quam per edicta obnunciaret. Sueton. Cæſ. 20.

[*i*] Dio, 38. 62.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

a freſh odium, without ſerving any purpoſe, *he deſired one of the Tribuns to interpoſe and releaſe him* [*k*]. He next procured a ſpecial law from the people, *for the ratification of all* Pompey's *acts in Aſia*; and in the ſtruggle about it, ſo terrified and humbled Lucullus, who was the chief oppoſer, *that he brought him to aſk pardon at his feet* [*l*].

He carried it ſtill with great outward reſpect towards Cicero; and gave him to underſtand again by Balbus, *that he depended on his aſſiſtance in the Agrarian law:* but Cicero contrived to be out of the way, and ſpent the months of *April* and *May* in his Villa near *Antium*, where he had placed his chief collection of books [*m*]; amuſing himſelf with *his ſtudies and his children*, or, as he ſays jocoſely, *in counting the waves.* He was projecting however *a ſyſtem of Geography*, at the requeſt of Atticus, but ſoon grew weary of it, as a ſubject *too dry and jejune to admit of any ornament* [*n*]; and being deſired alſo by Atticus to ſend him *the copies of two orations*, which he had lately made, his anſwer was, *that he had torn one of them, and could not give a copy; and did not care to let the other go abroad, for the praiſes which it beſtowed on* Pompey, *being diſpoſed rather to recant, than publiſh them, ſince the adoption of* Clodius [*o*]. He ſeems indeed to have been too ſplenetic at preſent

[*k*] Plutarch. Cæſ.

[*l*] L. Lucullo, liberius reſiſtenti tantum calumniarum metum injecit, ut ad genua ultro ſibi accederet. Sueton. J. Cæſ. 20.

[*m*] Nam aut fortiter reſiſtendum eſt legi Agrariæ, in quo eſt quædam dimicatio, ſed plena laudis: aut quieſcendum, quod eſt non diſſimile, atque ire in Solonium, aut Antium: aut etiam adjuvandum, quod a me aiunt Cæſarem ſic expectare, ut non dubitet. Ad Att. 2. 3.

Itaque aut libris me delecto, quorum habeo Antii feſtivam copiam, aut fluctus numero. Ibid. 6.

[*n*] Etenim γεωγραφικὰ, quæ conſtitueram, magnum opus eſt,—& hercule ſunt res difficiles ad explicandum & ὁμοειδεῖς; nec tam poſſunt ἀνθηρογραφεῖσθαι, quam videbatur. Ibid.

[*o*] Orationes me duas poſtulas, quarum alteram non libebat mihi ſcribere, quia abſcideram; alteram, ne laudarem eum, quem non amabam. Ibid. 7.

preſent to compoſe any thing but invectives; of which kind he was now drawing up *certain anecdotes*, as he calls them, or a ſecret hiſtory of the times, to be ſhewn to none but ATTICUS, *in the ſtile of* THEOPOMPUS, *the moſt ſatirical of all writers: for all his politics*, he ſays, *were reduced to this one point, of hating bad citizens, and pleaſing himſelf with writing againſt them: and ſince he was driven from the helm, he had nothing to wiſh, but to ſee the wreck from the ſhore*; *or, as* SOPHOCLES *ſays* [p],

Under the ſhelter of a good warm roof,
With mind ſerenely calm and prone to ſleep,
Hear the loud ſtorm and beating rain without.

A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

CLODIUS, having got through the obſtacle of his adoption, began without loſs of time to ſue for the *Tribunate*; whilſt a report was induſtriouſly ſpread, which amuſed the city for a while, *of a breach between him and* CÆSAR. He declared every where loudly, *that his chief view in deſiring that office was to reſcind all* CÆSAR's *acts*; and CÆSAR, on his part, *as openly diſclaimed any ſhare in his adoption, and denied him to be a Plebeian.* This was eagerly carried to CICERO by young CURIO; who aſſured him, *that all the young Nobles were as much incenſed againſt their proud Kings, as he himſelf, and would not bear them much longer*; *and that* MEMMIUS *and* METELLUS NEPOS *had declared againſt them*; which

Ut ſciat hic noſter Hieroſolymarius, traductor ad plebem, quam bonam meis putiſſimis orationibus gratiam retulerit; quarum expecta divinam παλινῳδίαν.

[p] Itaque ἀνέκδοτα, quæ tibi uni legamus, Theopompino genere, aut etiam aſperiore multo, pangentur. Neque aliud jam quicquam πολιτένομαι, niſi odiſſe improbos. Att. 2. 6.

Nunc vero cum cogar exire de navi, non abjectis ſed receptis gubernaculis, cupio iſtorum naufragia ex terra intueri; cupio, ut ait tuus amicus Sophocles,

——————καὶ ὑπὸ στέγῃ
Πυκνᾶς ἀκούειν ψεκάδος εὐδούσῃ φρενί.
Ibid. 7.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

being confirmed alſo by Atticus's letters, gave no ſmall comfort to Cicero; *all whoſe hopes of any good depended*, he ſays, *upon their quarrelling among themſelves* [*p*]. The pretended ground of this rupture, as it is hinted in Cicero's letters, was Clodius's *ſlighting an offer which the Triumvirate made to him, of an embaſſy to King* Tigranes; for being weary of his inſolence, and jealous of his growing power, they had contrived this employment as an honorable way of getting rid of him; but in the preſent condition of the Republic, Clodius knew his own importance too well, to quit his views at home, by an offer of ſo little advantage abroad; and was diſguſted, *that* Cæsar *had not named him among the twenty Commiſſioners appointed to divide the Campanian lands*; and reſolved not to ſtir from the city, till he had reaped the fruits of the Tribunate. Cicero mentioning this affair to Atticus, ſays, "I am much delighted with what "you write about Clodius: try all means to ſearch "into the bottom of it; and ſend or bring me word, "whatever you either learn or ſuſpect; and eſpecially, "what he intends to do about the embaſſy. Before I "read your letter, I was wiſhing, that he would accept "it; not for the ſake of declining a battle with him, for "I am in wonderfull ſpirits for fighting; but I imagin-"ed, that he would loſe by it all the popularity which "he has gained, by going over to the Plebeians---What "then did you mean by making yourſelf a Plebeian?

"Was

[*p*] Scito Curionem adoleſcentem veniſſe me ſalutatum. Valde ejus ſermo de Publio cum tuis literis congruebat. Ipſe vero mirandum in modum Reges odiſſe ſuperbos. Peræquè narrabat incenſam eſſe juventutem, neque ferre hæc poſſe. Att. 2. 8.

Incurrit in me Roma veniens Curio meus—Publius, inquit, Tribunatum plebis petit. Quid ais? & inimiciſſimus quidem Cæſaris, & ut omnia, inquit, iſta reſcindat. Quid Cæſar? inquam. Negat ſe quicquam de illius adoptione tuliſſe. Deinde ſuum, Memmii, Metelli Nepotis exprompſit odium. Complexus juvenem dimiſi, properans ad epiſtolas. Ibid. 12.

" Was it onely to pay a viſit to TIGRANES? Do not A. Urb. 694.,
" the Kings of *Armenia* uſe to take notice of Patri- Cic. 48.
" cians?------You ſee how I had been preparing myſelf Coſſ.
" to rally the embaſſy; which if he ſlights after all, C. JULIUS CÆSAR,
" and if this, as you ſay, diſguſts the authors and pro- M. CALPURNIUS BIBULUS.
" motors of the law, we ſhall have rare ſport. But to
" ſay the truth, PUBLIUS has been treated ſomewhat
" rudely by them; ſince he, who was lately the onely
" man with CÆSAR, cannot now find a place among
" the twenty; and after promiſing one embaſſy, they
" put him off with another; and while they beſtow the
" rich ones upon DRUSUS, or VATINIUS, reſerve this
" barren one for him, whoſe Tribunate was propoſed to
" be of ſuch uſe to them. Warm him, I beg of you,
" on this head as much as you can; all our hopes of
" ſafety are placed on their falling out among them-
" ſelves, of which, as I underſtand from CURIO, ſome
" ſymptoms begin already to appear [*q*]." But all this noiſe of a quarrel was found at laſt to be a mere artifice, as the event quickly ſhewed: or if there was any real diſguſt among them, it proceded no farther, than to give the better color to a report, by which they hoped to impoſe upon CICERO, and draw ſome unwary people into a haſty declaration of themſelves; and above all, to weaken the obſtruction to CLODIUS's *election* from that quarter, whence it was chiefly to be apprehended.

CICERO returned to *Rome* in *May*, after an interview with ATTICUS, who went abroad at the ſame time to his eſtate in *Epirus*: he reſolved to decline all public buſi-neſs, as much as he decently could, and to give the greateſt part of his time to the Bar, and to the defenſe

[*q*] Ad Att. 2. 7.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

of cauſes; an employment always popular, which made many friends, and few enemies: ſo that *he was ſtill much frequented at home, and honorably attended abroad, and maintained his dignity*, he ſays, *not meanly, conſidering the general oppreſſion; nor yet greatly, conſidering the part which he had before acted* [r]. Among the other cauſes which he pleaded this ſummer, he twice defended A. Thermus, and once L. Flaccus; men of Prætorian dignity, who were both acquitted. The ſpeeches for Thermus are loſt; but that for Flaccus remains, yet ſomewhat imperfect; in which, tho' he had lately paid ſo dear for ſpeaking his mind too freely, we find ſeveral bold reflections on the wretched ſtate of ſubjection, to which the city was now reduced.

This L. Valerius Flaccus had been *Prætor* in Cicero's *Conſulſhip*, and received the thanks of the Senate for his zeal and vigor in the ſeizure of Catiline's *accomplices*; but was now accuſed by P. Lælius of *rapine and oppreſſion in his province of Aſia*, which was allotted to him from his Prætorſhip. The defenſe conſiſts chiefly in diſplaying the dignity of the criminal, and invalidating the credit of the *Aſiatic* witneſſes. Cicero obſerves, "That the Judges, who had known and ſeen "the integrity of Flaccus's life through a ſeries of great "employments, were themſelves the beſt witneſſes of it, "and could not want to learn it from others, eſpecially "from *Grecians*: that for his part, he had always been "particularly addicted to that nation and their ſtudies, "and knew many modeſt and worthy men among "them: that he allowed them to have learning, the "diſcipline

[r] Me tueor, ut oppreſſis omnibus, non demiſſe; ut tantis rebus geſtis, parum for- titer. Ad Att. 2. 18.

" diſcipline of many arts, an elegance of writing, a A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.
" fluency of ſpeaking, and an acuteneſs of wit: but as
" to the ſanctity of an oath, they had no notion of it,
" knew nothing of the force and the efficacy of it: that
" all their concern in giving evidence was, not how to
" prove, but how to expreſs what they ſaid:------that
" they never appeared in a cauſe, but with a reſolution
" to hurt; nor ever conſidered what words were proper
" for an oath, but what were proper to do miſchief;
" taking it for the laſt diſgrace, to be baffled, confuted,
" and outdone in ſwearing: ſo that they never choſe
" the beſt and worthieſt men for witneſſes, but the moſt
" daring and loquacious:-----in ſhort, that the whole
" nation looked upon an oath as a mere jeſt, and
" placed all their credit, livelyhood, and praiſe on the
" ſucceſs of an impudent lie:----whereas of the *Roman*
" witneſſes, who were produced againſt FLACCUS, tho'
" ſeveral of them came angry, fierce, and willing to
" ruin him, yet one could not help obſerving, with
" what caution and religion they delivered what they
" had to ſay; and tho' they had the greateſt deſire to
" hurt, yet could not do it for their ſcruples:----that a
" *Roman*, in giving his teſtimony, was always jealous
" of himſelf, leſt he ſhould go too far; weighed all his
" words, and was afraid to let any thing drop from
" him too haſtily and paſſionately; or to ſay a ſyllable
" more or leſs than was neceſſary [*s*]." Then after ſhewing

[*s*] Pro Flacco, 4, 5. This character of *the Greek and Roman witneſſes* is exactly agreeable to what *Polybius*, tho' himſelf a *Grecian*, had long before obſerved: That thoſe, who managed the public money in *Greece*, tho' they gave ever ſo many bonds and ſureties for their behaviour, could not be induced to act honeſtly, or preſerve their faith, in the caſe even of a ſingle talent: whereas in *Rome*, out of pure reverence to the ſanctity of an oath, they were never known to violate their truſt, tho' in the management of the greateſt ſumms. [Polyb. l. 6. p. 498.] This was certainly true of the old Republic; but we muſt make great allowance for the language of the Bar, when we find *Cicero* applying the ſame integrity and regard to an oath to the character of his own times.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

ſhewing at large, by what ſcandalous methods this accuſation was procured againſt Flaccus, and after expoſing the vanity of the crimes charged upon him, together with the profligate characters of the particular witneſſes; he declares, "that the true and genuin *Grecians* were "all on Flaccus's ſide, with public teſtimonies and de-"crees in his favor.----Here, ſays he, you ſee the *Athe-*"*nians*, whence humanity, learning, religion, the fruits "of the earth, the rights and laws of mankind, are "thought to have been firſt propagated; for the poſ-"ſeſſion of whoſe city, the Gods themſelves are ſaid to "have contended on the account of it's beauty; which "is of ſo great antiquity, that it is reported to have "brought forth it's own Citizens, and the ſame ſpot to "have been their parent, their nurſe, and their coun-"try; and of ſo great authority, that the broken and "ſhattered fame of *Greece* depends now ſingly on the "credit of this City.---Here alſo are the *Lacedæmonians*, "whoſe tried and renowned virtue was confirmed not "onely by nature, but by diſcipline; who alone, of all "the nations upon earth, have ſubſiſted for above ſeven "hundred years, without any change in their laws and "manners.-----Nor can I paſs over the city of *Mar-*"*ſeilles*, which knew Flaccus when firſt a ſoldier, and "afterwards Quæſtor; the gravity of whoſe diſcipline, "I think preferable, not onely to *Greece*, but to all "other cities; which, tho' ſeparated ſo far from the "country, the cuſtoms, and the language of all *Gre-*"*cians*, ſurrounded by the nations of *Gaul*, and waſhed "by the waves of barbariſm, is ſo wiſely governed "by the counſils of an ariſtocracy, that it is eaſier to

"praiſe

"praiſe their conſtitution, than to imitate it [*t*]." One part of the charge againſt FLACCUS, was, *for prohibiting the Jews to carry out of his province the gold, which they uſed to collect annually through the empire for the Temple of Jeruſalem; all which he ſeized and remitted to the treaſury at Rome.* The charge itſelf ſeems to imply, that the *Jews* made no mean figure at this time in the empire; and CICERO's anſwer, tho' it betrays a great contempt of their religion, through his ignorance of it, yet ſhews, that their numbers and credit were very conſiderable alſo in *Rome.* The trial was held near *the Aurelian ſteps*, a place of great reſort for the populace, and particularly for *the Jews*, who uſed it probably as a kind of exchange, or general rendezvous of their countrymen: CICERO therefore procedes to ſay, "It was for this rea-
"ſon, LÆLIUS, and for the ſake of this crime, that you
"have choſen this place, and all this crowd for the
"trial: you know what a numerous band the *Jews*
"are; what concord among themſelves; what a buſtle
"they make in our aſſemblies---I will ſpeak ſoftly, that
"the Judges onely may hear me; for there are people
"ready to incite them againſt me and againſt every
"honeſt man; and I would not willingly lend any help
"to that deſign----Since our gold then is annually car-
"ried out of *Italy*, and all the Provinces, in the name
"of the *Jews*, to *Jeruſalem*, FLACCUS, by a public
"edict, prohibited the exportation of it from *Aſia*: and
"where is there a man, Judges, who does not truly
"applaud this act? The Senate, on ſeveral different
"occaſions, but more ſeverely in my Conſulſhip, con-
"demned the exportation of gold. To withſtand this
"barbarous

A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

[*t*] Ibid. 26.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

" barbarous ſuperſtition was a piece therefore of lauda-
" ble diſcipline; and, out of regard to the Republic, to
" contemn the multitude of *Jews*, who are ſo tumultu-
" ous in all our aſſemblies, an act of the greateſt gra-
" vity: but Pompey, it ſeems, when he took *Jeruſalem*,
" meddled with nothing in that Temple: in which, as
" on many other occaſions, he acted prudently, that in
" ſo ſuſpicious and ill-tongued a people, he would not
" give any handle for calumny; for I can never believe,
" that it was the religion of *Jews* and enemies, which
" hindered this excellent General, but his own modeſty."
Then after ſhewing, " that Flaccus had not embezzled
" or ſeized the gold to his own uſe, but tranſmitted it
" to the public treaſury, he obſerves, that it was not
" therefore for the ſake of the crime, but to raiſe an
" envy, that this fact was mentioned; and that the ac-
" cuſer's ſpeech was turned from the Judges, and ad-
" dreſſed to the circle around them: Every city, ſays
" he, Lælius, has its religion; we have ours: while
" *Jeruſalem* floriſhed, and *Judæa* was at peace with
" us, yet their religious rites were held inconſiſtent with
" the ſplendor of this Empire, the gravity of the *Roman*
" name, and the inſtitutions of our anceſtors: but much
" more ought they to be held ſo now; ſince they have
" let us ſee, by taking arms, what opinion they have of
" us; and by their being conquered, how dear they are
" to the Gods [*u*]." He procedes in the laſt place to
ſhew, what he had intimated in the beginning, " that
" the real aim of this trial was to ſacrifice thoſe, who
" had ſignalized themſelves againſt Catiline, to the
" malice and revenge of the ſeditious:" and puts the
Judges

[*u*] Ibid. 28.

Judges in mind, " that the fate of the city, and the " ſafety of all honeſt men, now reſted on their ſhoul- " ders: that they ſaw in what an unſettled ſtate things " were, and what a turn their affairs had taken: that " among many other acts, which certain men had " done, they were now contriving, that by the votes " and deciſions of the Judges every honeſt man might " be undone: that theſe Judges indeed had given many " laudable judgements in favor of the Republic; many, " againſt the wickedneſs of the conſpirators: yet ſome " people thought the Republic not yet ſufficiently " changed, till the beſt citizens were involved in the " ſame puniſhment with the worſt. C. ANTONIUS, " ſays he, is already oppreſſed; let it be ſo: he had a " peculiar infamy upon him: yet even he, if I may be " allowed to ſay it, would not have been condemned " by you: upon whoſe condemnation a ſepulcher was " dreſſed up to CATILINE, and celebrated with a feaſt " and concourſe of our audacious and domeſtic enemies, " and funeral rites performed to him: now the death " of LENTULUS is to be revenged on FLACCUS; and " what more agreeable ſacrifice can you offer to him, " than by FLACCUS's blood to ſatiate his deteſtable hatred " of us all? Let us then appeaſe the manes of LEN- " TULUS; pay the laſt honors to CETHEGUS; recall the " baniſhed; nay, let me alſo be puniſhed for the exceſs " of my love to my country: I am already named and " marked out for a trial; have crimes forged; dangers " prepared for me; which if they had attempted by any " other method; or if, in the name of the people, they " had ſtirred up the unwary multitude againſt me, I " could better have born it; but it is not to be endured,

A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

" that they ſhould think to drive out of the city the " authors, the leaders, the champions of our common " ſafety; by the help of Senators and Knights, who, " with one mind and conſent, aſſiſted ſo greatly in the " ſame cauſe. They know the mind and inclination of " the Roman people: the people themſelves take all " poſſible occaſions of declaring it: there is no variety " in their ſentiments, or their language. If any one " therefore call me thither, I come: I do not onely not " refuſe, but require the Roman people for my judge: " let force onely be excluded; let ſwords and ſtones be " removed; let mercenaries be quiet; let ſlaves be " ſilent; and when I come to be heard for myſelf, " there will not be a man ſo unjuſt, if he be free and a " citizen, who will not be of opinion, that they ought " to vote me rewards, rather than puniſhment [*x*]." He concludes, by applying himſelf, as uſual, to move the pity and clemency of the bench towards the perſon of the criminal, by all the topics proper to excite compaſſion: " the merit of his former ſervices; the luſter " of his family; the tears of his children; the diſcou- " ragement of the honeſt; and the hurt, which the " Republic would ſuffer, in being deprived, at ſuch a " time, of ſuch a citizen."

Q. CICERO, who ſucceded FLACCUS in the province of *Aſia*, was now entring into the third year of his government, when CICERO ſent him a moſt admirable letter of advice about the adminiſtration of his province; fraught with ſuch excellent precepts of moderation, humanity, juſtice, and laying down rules of governing, ſo truly calculated for the good of mankind, that it deſerves a place

[*x*] Ibid. 38.

place in the cloſets of all who govern; and eſpecially of thoſe, who are entruſted with the command of foreign provinces; who, by their diſtance from any immediate controul, are often tempted, by the inſolence of power, to acts of great oppreſſion.

A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

THE Triumvirate was now dreaded and deteſted by all ranks of men: and POMPEY, as the firſt of the league, had *the firſt ſhare of the public hatred:* ſo that *theſe affecters of popularity*, ſays CICERO, *have taught even modeſt men to hiſs* [*y*]. BIBULUS was continually teizing them *by his edicts*; in which he inveighed and proteſted againſt all their acts. Theſe edicts were greedily received by the city; all people got copies of them; and wherever they were fixed up in the ſtreets, *it was ſcarce poſſible to paſs for the crowds which were reading them* [*z*]. BIBULUS *was extolled to the ſkies*; *tho' I know not why*, ſays CICERO, *unleſs*, *like another* FABIUS, *he is thought to ſave the State by doing nothing: for what is all his greatneſs of mind, but a mere teſtimony of his ſentiments, without any ſervice to the Republic* [*a*]? His edicts however provoked CÆSAR ſo far, *that he attempted to excite the mob to ſtorm his houſe, and drag him out by force:* and VATINIUS *actually made an aſſault upon it*, tho' without ſucceſs [*b*]. But while all the world *diſliked*, *lamented*, *and*

[*y*] Qui fremitus hominum? qui irati animi? quanto in odio noſter amicus magnus? Ad Att. 2. 13.

Scito nihil unquam fuiſſe tam infame, tam turpe, tam peræque omnibus generibus, ordinibus, ætatibus offenſum, quam hunc ſtatum, qui nunc eſt: magis mehercule quam vellem, non modo quam putaram. Populares iſti jam etiam modeſtos homines ſibilare docuerunt. Ibid. 19.

[*z*] Itaque archilochia in illum edicta Bibuli populo ita ſunt jucunda, ut eum locum, ubi proponuntur, præ multitudine eorum qui legunt, tranſire nequeunt. Ad Att. 2. 21.

[*a*] Bibulus in cœlo eſt; nec quare, ſcio. Sed ita laudatur, quaſi, unus homo nobis cunctando reſtituit rem. Ibid. 19.

Bibuli autem iſta magnitudo animi in comitiorum dilatione, quid habet, niſi ipſius judicium ſine ulla correctione Reipub. Ibid. 15.

[*b*] Putarat Cæſar oratione ſua poſſe impelli concionem, ut iret ad Bibulum; multa cum ſeditioſiſſime diceret, vocem exprimere non potuit. Att. 2. 21.

Qui Conſulem morti objeceris, incluſum obſederis, extrahere ex ſuis tectis conatus ſis. In Vatin. 9.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

and talked loudly againſt theſe procedings; and above all, *young* Curio at the head of the young Nobility, *yet we ſeek no remedy*, ſays Cicero, *through a perſuaſion, that there is no reſiſting, but to our deſtruction* [*c*].

The inclinations of the people were ſhewn chiefly, as he tells us, *in the Theaters and public ſhews*; *where, when* Cæsar *entered, he was received onely with a dead applauſe*; *but when young* Curio, *who followed him, appeared, he was clapped, as* Pompey *uſed to be in the heighth of his glory*. And in the *Apollinarian* plays, Diphilus, *the Tragedian*, happening to have ſome paſſages in his part, which were thought to hit the character of Pompey, *he was forced to repeat them a thouſand times:*

Thou by our miſeries art great-----
The time will come when thou wilt wretchedly lament that greatneſs------
If neither law nor cuſtom can reſtrain thee-----

at each of which ſentences, the whole Theater made ſuch a roaring and clapping, that they could hardly be quieted [*d*]. Pompey was greatly ſhocked, to find himſelf fallen ſo low in the eſteem of the city: he had hitherto lived in the midſt of glory, an utter ſtranger to diſgrace, which made him the more impatient under ſo mortifying a change: " I could ſcarce refrain from tears, ſays " Cicero,

[*c*] Nunc quidem novo quodam morbo civitas moritur; ut cum omnes ea, quæ ſunt acta, improbent, querantur, doleant, varietas in re nulla fit, aperteque loquantur & jam clare gemant; tamen medicina nulla afferatur, neque enim reſiſti ſine internecione poſſe arbitramur. Att. 2. 20.

[*d*] Diphilus Tragœdus in noſtrum Pompeium petulanter invectus eſt: *Noſtrâ miſeriâ tu es magnus*, millies coactus eſt dicere. *Tandem virtutem iſtam veniet tempus cum graviter gemes*, totius theatri clamore dixit, itemque cætera. Nam & ejuſmodi ſunt ii verſus, ut in tempus ab inimico Pompeii ſcripti eſſe videantur. *Si neque leges, neque mores cogunt*, & cætera magno cum fremitu & clamore dicta ſunt. Ibid. 19.

Valerius Maximus, who tells the ſame ſtory, ſays, *that* Diphilus, *in pronouncing thoſe ſentences, ſtretched out his hands towards* Pompey, *to point him out to the company*. But it appears from *Cicero*'s account of it in this letter to *Atticus*, that *Pompey* was then at *Capua*; whither *Cæſar* ſent an expreſs to him in all haſt to acquaint him with what had paſſed, and to call him probably to *Rome*. *Val. Max.* 6. 2.

" CICERO, to ſee what an abject, paultry figure he made
" in the *Roſtra*, where he never uſed to appear, but
" with univerſal applauſe and admiration; meanly ha-
" ranguing againſt the edicts of BIBULUS, and diſpleaſ-
" ing not onely his audience, but himſelf: a ſpectacle,
" agreeable to none, ſo much as to CRASSUS; to ſee him
" fallen ſo low from ſuch a heighth:---and as APELLES
" or PROTOGENES would have been grieved to ſee one of
" their capital pieces beſmeared with dirt; ſo it was a
" real grief to me, to ſee the man, whom I had painted
" with all the colors of my art, become of a ſudden ſo
" deformed: for tho' no body can think, ſince the
" affair of CLODIUS, that I have any reaſon to be his
" friend; yet my love for him was ſo great, that no
" injury could efface it [*e*].

A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

CÆSAR, on the other hand, began to reap ſome part of that fruit, which he expected from their union: he foreſaw from the firſt, *that the odium of it would fall upon* POMPEY; *the benefit accrue to himſelf* [*f*]: till POMPEY gradually ſinking under the envy, and himſelf inſenſibly riſing by the power of it, they might come at laſt to act upon a level: or, as FLORUS ſtates the ſeveral views of *the Three*, CÆSAR *wanted to acquire*; CRASSUS *to encreaſe*; POMPEY *to preſerve his dignity* [*g*]. So that POMPEY in reality was but the dupe of the other two: whereas if he had united himſelf with CICERO; and through him with the Senate; whither his own and his country's

[*e*] Ut ille tum humilis, ut demiſſus erat: ut ipſe etiam ſibi, non iis ſolum qui aderant, diſplicebat. O ſpectaculum uni Craſſo jucundum, &c.——Quanquam nemo putabat propter Clodianum negotium me illi amicum eſſe debere: tamen tantus fuit amor, ut exhauriri nulla poſſet injuria. Ad Att. 2. 21.

[*f*] Cæſar animadvertebat ſe——invidia communis potentiæ in illum relegata, confirmaturum vires ſuas. Vell. Pat. 2. 44.

[*g*] Sic igitur Cæſare dignitatem comparare, Craſſo augere, Pompeio retinere, cupientibus, omnibuſque pariter potentiæ cupidis, de invadenda Repub. facile convenit. Lib. 4. 2. 11.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

country's intereſt called him, and where, from the different talents of the men, there could have been no contraſt of glory or power; he muſt have preſerved through life, what his utmoſt ambition ſeemed to aim at, the character not onely of the firſt, but of the beſt citizen in *Rome:* but by his alliance with Cæsar, he lent his authority to the nurſing up a rival, who gained upon him daily in credit, and grew too ſtrong for him at laſt in power. The people's diſaffection began to open his eyes, and make him ſenſible of his error; *which he frankly owned to* Cicero, *and ſeemed deſirous of entering into meaſures with him to retrieve it* [*h*]. He ſaw himſelf on the brink of a precipice, where to procede was ruinous, to retreat ignominious: the honeſt were become his enemies; and the factious had never been his friends: But tho' it was eaſy to ſee his miſtake, it was difficult to find a remedy: Cicero preſſed the onely one, which could be effectual, *an immediate breach with* Cæsar; *and uſed all arguments to bring him to it; but* Cæsar *was more ſucceſsfull, and drew* Pompey *quite away from him* [*i*]; and, having got poſſeſſion, entangled him ſo faſt, that he could never diſengage himſelf till it was too late.

But to give a turn to the diſpoſition of the people, or to draw their attention at leaſt another way, Cæsar contrived to amuſe the city with the diſcovery of a new conſpiracy, *to aſſaſſinate* Pompey. Vettius, who in Catiline's

[*h*] Sed quod facile ſentias, tædet ipſum Pompeium, vehementerque pœnitet, &c. Att. 2. 22.

Primum igitur illud te ſcire volo, Sampſiceranum, noſtrum amicum, vehementer ſui ſtatus pœnitere, reſtituique in eum locum cupere, ex quo decidit, doloremque ſuum impertire nobis, & medicinam interdum aperte quærere; quam ego poſſum invenire nullam. Ibid. 23.

[*i*] Ego M. Bibulo, præſtantiſſimo cive, Conſule, nihil prætermiſi, quantum facere, nitique potui, quin Pompeium a Cæſaris conjunctione avocarem. In quo Cæſar felicior fuit: ipſe enim Pompeium a mea familiaritate disjunxit. Philip. 2. 10.

CATILINE's affair, *had impeached* CÆSAR, and ſmarted ſeverely for it, was now inſtructed how to make amends for that ſtep, by ſwearing a plot upon the oppoſite party; particularly upon young CURIO, the briſkeſt oppoſer of *the Triumvirate.* For this purpoſe, he inſinuated himſelf into CURIO's acquaintance, and when he was grown familiar, opened to him a reſolution, which he pretended to have taken, *of killing* POMPEY; in expectation of drawing ſome approbation of it from him: but CURIO carried the ſtory to his father, who gave immediate information of it to POMPEY; and ſo the matter, being made public, was brought before the Senate. This was a diſappointment to VETTIUS, who had laid his meaſures ſo, that "he himſelf ſhould have been ſeized in the *Forum* "with a poignard, and his ſlaves taken alſo with poig- "nards; and upon his examination, was to have made "the firſt diſcovery, if CURIO had not prevented him. "But being now examined before the Senate, he denied "at firſt his having any ſuch diſcourſe with CURIO; "but preſently recanted, and offered to diſcover what "he knew, upon promiſe of pardon, which was readily "granted: he then told them, that there was a plot "formed by many of the young Nobility, of which "CURIO was the head: that PAULLUS was engaged in it "from the firſt, with BRUTUS alſo and LENTULUS, the "ſon of the *Flamen*, with the privity of his father: "that SEPTIMIUS, the ſecretary of BIBULUS, had brought "him a dagger from BIBULUS himſelf.------This was "thought ridiculous, that VETTIUS ſhould not be able "to procure a dagger, unleſs the Conſul had given him "one.------Young CURIO was called in to anſwer to "VETTIUS's information, who ſoon confounded him, "and

A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

" and ſhewed his narrative to be inconſiſtent and im-
" poſſible: for he had depoſed, that the young Nobles
" had agreed to attack Pompey in the *Forum*, on the day
" when Gabinius gave his ſhew of Gladiators, and that
" Paullus was to be the leader in the attack; but it
" appeared, that Paullus was in *Macedonia* at that
" very time.-----The Senate therefore ordered Vettius
" to be clapt into irons, and that if any man releaſed
" him, he ſhould be deemed a public enemy.

Cæsar however, unwilling to let the matter drop ſo eaſily, brought him out again the next day, *and produced him to the people in the Roſtra; and in that place, where* Bibulus, *tho' Conſul, durſt not venture to ſhew himſelf, exhibited this wretch, as his puppet, to utter whatever he ſhould think fit to inſpire.* Vettius impeached ſeveral here, whom he had not named before in the Senate; particularly Lucullus and Domitius: he did not name Cicero, but ſaid, *that a certain Senator of great eloquence, and Conſular rank, and a neighbour of the Conſul, had told him, that the times wanted another* Brutus *or* Ahala. When he had done, and was going down, being called back again and whiſpered by Vatinius, and then aſked aloud, whether he could recollect nothing more, he farther declared, *that* Piso, Cicero's *ſon in law, and* M. Laterensis *were alſo privy to the deſign* [*k*]. But it happened in this, as it commonly does in all plots of the ſame kind, that the too great eagerneſs of the managers deſtroyed it's effect: for, by the extravagance to which it was puſhed, it confuted itſelf; and was entertained with ſo general a contempt by all orders, that Cæsar was glad to get rid of it, *by ſtrangling*

[*k*] Ad Att. 2. 24. in Vatin. 11. Sueton. J. Cæſ. 20.

ſtrangling or poyſoning VETTIUS *privately in priſon, and giving it out, that it was done by the Conſpirators* [*l*]. A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

THE Senate had ſtill one expedient in reſerve for mortifying CÆSAR, by throwing *ſome contemptible Province* upon him at the expiration of his Conſulſhip; as *the care of the woods or the roads*; or what ſhould give him at leaſt no power to moleſt them [*m*]. *The diſtribution of the Provinces was, by ancient uſage and expreſs law, their undoubted prerogative*; which had never been invaded or attempted by the people [*n*]; ſo that this piece of revenge, or rather ſelf-defenſe, ſeemed to be clearly in their power: but CÆSAR, who valued no law or cuſtom, which did not ſerve his purpoſes, without any regard to the Senate, applied himſelf to his better friends, the people; and by his agent VATINIUS procured from them, by a new and extraordinary law, the grant of *Ciſalpine Gaul, with the addition of Illyricum, for the term of five years*. This was a cruel blow to the power of the Senate, and a direct infringement of the old conſtitution; as it transferred to the people a right, *which they had never exerciſed, or pretended to before* [*o*]. It convinced the Senate however, that all oppoſition was vain; ſo that when CÆSAR ſoon after declared a deſire to have *the Tranſalpine Gaul* added to his other Provinces, *they decreed it to him readily themſelves; to pre-*

[*l*] Fregeriſne in carcere cervices ipſi illi Vettio, ne quod indicium corrupti judicii extaret? In Vatin. 11.

Cæſar——deſperans tam præcipitis conſilii eventum, intercepiſſe veneno indicem creditur. Sueton. J. Cæſ. 20. Plutarch. in Lucull.

[*m*] Eandem ob cauſam opera optimatibus data eſt, ut provinciæ futuris Coſſ. minimi negotii, id eſt, ſylvæ calleſque, decernerentur. Sueton. 19.

[*n*] Tu provincias conſulares, quas C. Gracchus, qui unus maxime popularis fuit, non modo non abſtulit ab Senatu; ſed etiam ut neceſſe eſſet, quotannis conſtitui per Senatum decreta lege ſanxit. Pro Dom. 9.

[*o*] Eripueras Senatui provinciæ decernendæ poteſtatem; Imperatoris deligendi judicium; ærarii diſpenſationem; quæ nunquam ſibi populus Romanus appetivit, qui nunquam hæc a ſummi conſilii gubernatione auferre conatus eſt. In Vatin. 15.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

vent his recurring a ſecond time to the people, and eſtabliſhing a precedent, ſo fatal to their authority [*p*].

Clodius began now to threaten Cicero with all the terrors of *his Tribunate*; to which he was elected without any oppoſition: and in proportion as the danger approached, Cicero's apprehenſions were every day more and more alarmed. The abſence of his friend Atticus, who was lately gone to *Epirus*, was an additional mortification to him: for Atticus, having a great familiarity with all the *Clodian* family, might have been of ſervice, either in diſſuading Clodius from any attempt, or in fiſhing out of him at leaſt what he really intended. Cicero preſſed him therefore in every letter to come back again to *Rome*; "If you love me, ſays he, as "much as I am perſuaded you do, hold yourſelf ready "to run hither, as ſoon as I call: tho' I am doing, and "will do every thing in my power to ſave you that "trouble [*q*].----My wiſhes and my affairs require you: "I ſhall want neither counſil, nor courage, nor forces, "if I ſee you here at the time. I have reaſon to be "ſatisfied with Varro: Pompey talks divinely [*r*]---- "How much do I wiſh, that you had ſtaid at *Rome!* "as you ſurely would have done, if you had imagined "how things would happen: we ſhould eaſily have "managed Clodius, or learnt at leaſt for certain what "he meant to do. At preſent he flyes about; raves; "knows not what he would be at; threatens many; "and

[*p*] Initio quidem Galliam Ciſalpinam, adjecto Illyrico, lege Vatinia accepit: mox per Senatum Comatam quoque: veritis Patribus, ne ſi ipſi negâſſent, populus & hanc daret. Sueton. 22.

[*q*] Tu, ſi me amas tantum, quantum profecto amas, expeditus facito ut ſis; ſi inclamaro, ut accurras. Sed do operam, & dabo, ne ſit neceſſe. Ad Att. 2. 20.

[*r*] Te cum ego deſidero, tum etiam res ad tempus illud vocat. Plurimum conſilii, animi, præſidii denique mihi, ſi te ad tempus videro, acceſſerit. Varro mihi ſatisfacit, Pompeius loquitur divinitùs. Ibid. 21.

" and will take his meaſures perhaps at laſt from chance. A. Urb. 694.
" When he reflects, in what a general odium the admi- Cic. 48.
" niſtration of our affairs now is, he ſeems diſpoſed to Coſſ.
" turn his attacks upon the authors of it: but when he C. JULIUS CÆSAR,
" conſiders their power, and their armies, he falls again M. CALPURNIUS BIBULUS.
" upon me; and threatens me both with violence and
" a trial.---Many things may be tranſacted by our friend
" VARRO, which, when urged alſo by you, would have
" the greater weight; many things may be drawn from
" CLODIUS himſelf; many diſcovered, which cannot be
" concealed from you; but it is abſurd to run into par-
" ticulars, when I want you for all things----the whole
" depends on your coming before he enters into his
" Magiſtracy [*s*]. Wherefore, if this finds you aſleep,
" awake yourſelf; if ſtanding ſtill, come away; if
" coming, run; if running, fly: it is incredible, what
" a ſtreſs I lay on your counſil and prudence; but
" above all, on your love and fidelity, &c. [*t*].

CÆSAR's whole aim in this affair was to ſubdue CICERO's ſpirit, and diſtreſs him ſo far, as to force him to a dependence upon him: for which end, while he was privately encouraging CLODIUS to purſue him, he was propoſing expedients to CICERO for his ſecurity: *he offered to put him into the commiſſion, for diſtributing the lands of Campania, with which twenty of the principal Senators were charged: but as it was an invitation onely into the place of one deceaſed, and not an original deſignation,* CICERO *did not think it for his dignity to accept it; nor cared on any account to bear a part in an affair*

[*s*] Ibid. 22.

[*t*] Quamobrem, ſi dormis, expergiſcere; ſi ſtas, ingredere; ſi ingrederis, curre; ſi curris, advola. Credibile non eſt, quantum ego in conſiliis & prudentia tua, & quod maximum eſt, quantum in amore & fide ponam. Ad Att. 2. 23.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

ſo odious [*u*]; he then offered, *in the moſt obliging manner, to make him one of his Lieutenants in Gaul, and preſſed it earneſtly upon him; which was both a ſure and honorable way of avoiding the danger, and what he might have made uſe of ſo far onely, as it ſerved his purpoſe, without embaraſſing himſelf with the duty of it* [*x*]; *yet* Cicero, *after ſome heſitation, declined this alſo.* He was unwilling to owe the obligation of his ſafety to any man, and much more to Cæsar; being deſirous, if poſſible, to defend himſelf by his own ſtrength; as he could eaſily have done, if *the Triumvirate* would not have acted againſt him. But this ſtiffneſs ſo exaſperated Cæsar, that he reſolved immediately to aſſiſt Clodius, with all his power, to oppreſs him; and *in excuſe for it afterwards, uſed to throw the whole blame on* Cicero *himſelf, for ſlighting ſo obſtinately all the friendly offers which he made to him* [*y*]. Pompey all this while, to prevent his throwing himſelf perhaps into Cæsar's hands, was giving him *the ſtrongeſt aſſurances, confirmed by oaths and vows, that there was no danger; and that he would ſooner be killed himſelf, than ſuffer him to be hurt; that both* Clodius *and his brother* Appius *had ſolemnly promiſed to act nothing againſt him, but to be wholly at his diſpoſal; and if they did not keep their*

[*u*] Coſconio mortuo, ſum in ejus locum invitatus. Id erat vocari in locum mortui. Nihil me turpius apud homines fuiſſet: neque vero ad iſtam ipſam ἀσφάλειαν quicquam alienius. Sunt enim illi apud bonos invidioſi. Ibid. 19.

[*x*] A Cæſare valde liberaliter invitor in legationem illam, ſibi ut ſim legatus. Illa & munitior eſt, & non impedit, quo minus adſim, cum velim. Ibid. 18.

Cæſar me ſibi vult eſſe legatum. Honeſtior hæc declinatio periculi. Sed ego hoc nunc repudio. Quid ergo eſt? Pugnare malo: nihil tamen certi. Ibid. 19.

[*y*] Ac ſolet, cum ſe purgat, in me conferre omnem iſtorum temporum culpam: ita me ſibi fuiſſe inimicum, ut ne honorem quidem a ſe accipere vellem. Att. 9. 2.

Non caruerunt ſuſpicione oppreſſi Ciceronis, Cæſar & Pompeius. Hoc ſibi contraxiſſe videbatur Cicero, quod inter xx. viros dividendo agro Campano eſſe noluiſſet. Vell. Pat. 2. 45.

their word, that he would let all the world ſee, how much he preferred CICERO*'s friendſhip to all his other engagements.* In CICERO's account of this to ATTICUS, VARRO, ſays he, *gives me full ſatisfaction.* POMPEY *loves me, and treats me with great kindneſs. Do you believe him? you'll ſay. Yes, I do. He convinces me, that he is in earneſt.-----Yet ſince all men of affairs, in their hiſtorical reflections, and even poets too in their verſes admoniſh us always to be upon our guard, nor to believe too eaſily; I comply with them in one thing; to uſe all proper caution, as far as I am able; but for the other, find it impoſſible for me not to believe him* [z].

A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

But whatever really paſſed between CLODIUS and POMPEY; CICERO perceiving, that CLODIUS talked in a different ſtrain to every body elſe, and denounced nothing but war and ruin to him, began to be very ſuſpicious of POMPEY; and prepared to defend himſelf by his genuin forces, the Senate and the Knights, with the honeſt of all ranks, who were ready to fly to his aſſiſtance from all parts of *Italy* [a]. This was the ſituation of affairs, when CLODIUS entered upon *the Tribunate*; where his firſt act was, to put the ſame affront on BIBULUS, which had been offered before to CICERO, on laying

[z] Pompeius omnia pollicetur & Cæſar: quibus ego ita credo, ut nihil de mea comparatione diminuam. Ad Quint. Fr. 1. 2.

Pompeius amat nos, caroſque habet. Credis? inquies. Credo: Prorſus mihi perſuadet. Sed quia, ut video, pragmatici homines omnibus hiſtoricis præceptis, verſibus denique cavere jubent, & vetant credere; alterum facio, ut caveam; alterum, ut non credam, facere non poſſum. Clodius adhuc mihi denunciat periculum: Pompeius affirmat non eſſe periculum; adjurat, addit etiam, ſe prius occiſum iri ab eo, quam me violatum iri. Ad Att. 2. 20.

Fidem recepiſſe ſibi & Clodium & Appium de me: hanc ſi ille non ſervaret, ita laturum, ut omnes intelligerent, nihil antiquius amicitia noſtra fuiſſe, &c. Ibid. 22.

[a] Clodius eſt inimicus nobis. Pompeius confirmat eum nihil facturum eſſe contra me. Mihi periculoſum eſt credere: ad reſiſtendum me paro. Studia ſpero me ſumma habiturum omnium ordinum. Ibid. 21.

Si diem Clodius dixerit, tota Italia concurret——ſin autem vi agere conabitur—omnes ſe & ſuos liberos, amicos, clientes, libertos, ſervos, pecunias denique ſuas pollicentur. Ad Quint. Fr. 1. 2.

A. Urb. 694. Cic. 48. Coſſ. C. Julius Cæsar, M. Calpurnius Bibulus.

laying down that office, *by not ſuffering him to ſpeak to the people, but onely to take the accuſtomed oath.*

Q. Metellus Celer, an excellent Citizen and Patriot, who from his Conſulſhip obtained the Government of *Gaul*, to which Cæsar now ſucceded, died ſuddenly this ſummer at *Rome*, in the vigor of his health and flower of his age, not without ſuſpicion of violence. His wife, *the ſiſter of* Clodius, a lewd, intriguing woman, was commonly thought to have poyſoned him; as well to revenge his oppoſition to all the attempts of her brother, as to gain the greater liberty of purſuing her own amours. Cicero does not ſcruple to charge her with it in his ſpeech for Cælius, where he gives a moving account of the death of her huſband, whom he viſited in his laſt moments; *when in broken, faultering accents he foretold the ſtorm, which was ready to break, both upon* Cicero *and the Republic; and in the midſt of his agonies ſignified it to be his onely concern in dying, that his friend and his country ſhould be deprived of his help at ſo critical a conjuncture* [*b*].

By Metellus's death a place became vacant in *the College of Augurs:* and tho' Cicero was ſo ſhy of accepting any favor from *the Triumvirate*, yet he ſeems inclined to have accepted this, if it had been offered to him, as he intimates in a letter to Atticus. *Tell me*, ſays he, *every tittle of news that is ſtirring; and ſince* Nepos *is leaving Rome, who is to have his brother's Augurate:*

[*b*] Cum ille——tertio die poſt quam in curia, quam in roſtris, quam in Repub. floruiſſet, integerrima ætate, optimo habitu, maximis viribus, eriperetur bonis omnibus atque univerſæ civitati.——Cum me intuens flentem ſignificabat interruptis atque morientibus vocibus, quanta impenderet procella urbi, quanta tempeſtas civitati——ut non ſe emori, quam ſpoliari ſuo præſidio cum patriam, tum etiam me doleret.——Ex hac igitur domo progreſſa illa mulier de veneni celeritate dicere audebit? Pro Cælio, 24.

Augurate: it is the onely thing with which they could tempt me. Obſerve my weakneſs! But what have I to do with ſuch things, to which I long to bid adieu, and turn myſelf intirely to Philoſophy? I am now in earneſt to do it; and wiſh that I had been ſo from the beginning [c]. But his inclination to the Augurate, at this time, was nothing elſe, we ſee, but a ſudden ſtart of an unweighed thought; no ſooner thrown out, than retracted; and dropt onely to ATTICUS, to whom he uſed *to open all his thoughts with the ſame freedom, with which they offered themſelves to his own mind* [d]: for it is certain, that he might have had *this very Augurate*, if he had thought it worth aſking for; nay, in a letter to CATO, who could not be ignorant of the fact, he ſays, *that he had actually ſlighted it*; which ſeems indeed to have been the caſe [e]: for tho' he was within twenty miles of *Rome*, yet he never ſtirred from his retreat to ſollicit or offer himſelf for it, which he muſt neceſſarily have done, if he had any real deſire to obtain it.

A. Urb. 694. Cic. 48. Coſſ. C. JULIUS CÆSAR, M. CALPURNIUS BIBULUS.

CICERO's

[c] Et numquid novi omnino: & quoniam Nepos proficiſcitur, cuinam Auguratus deferatur, quo quidem uno ego ab iſtis capi poſſum. Vide levitatem meam! Sed quid ego hæc, quæ cupio deponere, & toto animo atque omni cura φιλοσοφεῖν? Sic, inquam, in animo eſt; vellem ab initio. Ad Att. 2. 5.

An ingenious French writer, and an Engliſh one alſo, not leſs ingenious, have taken occaſion from this paſſage to form a heavy charge againſt *Cicero* both in his civil and moral character. The Frenchman deſcants with great gravity *on the foible of human nature, and the aſtoniſhing weakneſs of our Orator, in ſuffering a thought to drop from him, which muſt for ever ruin his credit with poſterity, and deſtroy that high opinion of his virtue, which he labors every where to inculcate.* But a proper attention to the general tenor of his conduct would eaſily have convinced him of the abſurdity of ſo ſevere an interpretation; and the facts produced in this hiſtory abundantly ſhew, that the paſſage itſelf cannot admit any other ſenſe, than what I have given to it, as it is rendered alſo by Mr. *Mongault*, the judicious Tranſlator of the Epiſtles to *Atticus*, viz. *that the Augurate was the onely bait, that could tempt him*; not to go into the meaſures of *the Triumvirate*, for that was never in his thoughts, but to accept any thing from them, or ſuffer himſelf to be obliged to them. See Hiſt. de l'Exil de Ciceron. p. 42. Conſiderations on the Life of *Cic.* p. 27.

[d] Ego tecum, tanquam mecum loquor. Ad Att. 8. 14.

[e] Sacerdotium denique, cum, quemadmodum te exiſtimare arbitror, non difficillime conſequi poſſem, non appetivi.——Idem poſt injuriam acceptam——ſtudui quam ornatiſſima Senatus populique Romani de me judicia intercedere. Itaque & Augur poſtea fieri volui, quod antea neglexeram. Ep. fam 15. 4.

CICERO's fortunes ſeemed now to be in a tottering condition: his enemies were gaining ground upon him, and any addition of help from the new Magiſtrates might turn the ſcale to his ruin. CATULUS uſed to tell him, *that he had no cauſe to fear any thing*; *for that one good Conſul was ſufficient to protect him*; *and Rome had never known two bad ones in office together, except in* CINNA's *tyranny* [*f*]. But that day was now come; and *Rome* ſaw in this year, what it had never ſeen before in peacefull times ſince it's foundation, *two profligate men* advanced to that high dignity.

A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

THESE were L. CALPURNIUS PISO and A. GABINIUS; the one, *the father in law of* CÆSAR; the other, *the creature of* POMPEY. Before their entrance into office, CICERO *had conceived great hopes of them*, and not without reaſon; for, by the marriage of his daughter, he was *allied to* PISO; who continued to give him all the marks of his confidence, and had employed him, in his late election, *to preſide over the votes of the leading Century*; and when he entered into his office, on the firſt of *January*, aſked his opinion *the third in the Senate*, or the next after POMPEY and CRASSUS [*g*]: and he might flatter himſelf alſo probably, that on account of the influence which they were under, they would not be very forward to declare themſelves againſt him [*h*]. But he

[*f*] Audieram ex ſapientiſſimo homine—Q. Catulo, non ſæpe unum Conſulem improbum, duos vero nunquam poſt Romam conditam, excepto illo Cinnano tempore, fuiſſe. Quare meam cauſam ſemper fore firmiſſimam dicere ſolebat, dum vel unus in Repub. Conſul eſſet. Poſt red. in Sen. 4.

[*g*] Conſules ſe optime oſtendunt. Ad Quint. Fr. 1. 2.

Tu miſericors me affinem tuum, quem tuis comitiis prærogativæ primum cuſtodem præfeceras; quem kalendis Januariis tertio loco ſententiam rogaras, conſtrictum inimicis Reipub. tradidiſti. Poſt red. in Sen. 7. In Piſ. 5, 6.

[*h*] The author of the *Exil of Cicero*, to aggravate the perfidy of *Gabinius*, tells us, that *Cicero* had defended him in a capital cauſe, and produces a fragment of the Oration: but he miſtakes the time of the fact; for

he preſently found himſelf deceived: for CLODIUS had already ſecured them to his meaſures, *by a private contract, to procure for them, by a grant of the people, two of the beſt Governments of the Empire*; *for* PISO, *Macedonia, with Greece and Theſſaly*; for GABINIUS, *Cilicia*: and when this laſt was not thought good enough, and GABINIUS ſeemed to be diſpleaſed with his bargain, *it was exchanged ſoon after for Syria, with a power of making war upon the Parthians* [*i*]. For this price they agreed to ſerve him in all his deſigns, and particularly in the oppreſſion of CICERO; who, on that account, often calls them, *not Conſuls, but brokers of Provinces, and ſellers of their Country* [*k*]. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

THEY were, both of them, equally corrupt in their morals, yet very different in their tempers. PISO had been accuſed the year before by P. CLODIUS, of plundering and oppreſſing the allies: when by throwing himſelf at the feet of his judges in the moſt abject manner, and in the midſt of a violent rain, he is ſaid to have moved the compaſſion of the bench, who thought it puniſhment enough for a man of his birth, to be reduced to the neceſſity of proſtrating himſelf ſo miſerably, and riſing ſo deformed and beſmeared with dirt [*l*]. But in truth, it was CÆSAR's authority that ſaved him, and reconciled him at the ſame time to CLODIUS. In his outward car-

for that defenſe was made not till ſeveral years after this Conſulſhip; as we ſhall ſee hereafter in it's proper place. Hiſt. de l'Exil de Cic. p. 115.

[*i*] Fœdus fecerunt cum Tribuno pleb. palam, ut ab eo provincias acciperent, quas vellent—id autem fœdus meo ſanguine ictum ſanciri poſſe dicebant. Pro Sext. 10.

Cui quidem cum *Ciliciam* dediſſes, mutaſti pactionem &——*Gabinio*, pretio amplificato, *Syriam* nominatim dediſti. Pro Dom. 9.

[*k*] Non Conſules, ſed Mercatores provinciarum, ac venditores veſtræ dignitatis. Poſt red. in Sen. 4.

[*l*] *L. Piſo*, a *P. Clodio* accuſatus, quod graves & intolerabiles injurias ſociis intuliſſet, haud dubiæ ruinæ metum fortuito auxilio vitavit—— quia jam ſatis graves eum pœnas ſociis dediſſe arbitrati ſunt huc deductum neceſſitatis, ut abjicere ſe tam ſuppliciter, aut attollere tam deformiter cogeretur. Val. M. 8. 1.

A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

riage, he affected the mien and garb of a Philoſopher; and his aſpect greatly contributed to give him the credit of that character: *he was ſevere in his looks; ſqualid in his dreſs; ſlow in his ſpeech; moroſe in his manners; the very picture of antiquity, and a pattern of the ancient Republic; ambitious to be thought a patriot, and a reviver of the old diſcipline.* But this garb of rigid virtue covered a moſt lewd and vicious mind: he was ſurrounded always with *Greeks, to imprint a notion of his learning:* but while others entertained them *for the improvement of their knowledge; he, for the gratification of his luſts; as his cooks, his pimps, or his drunken companions.* In ſhort, he was a dirty, ſottiſh, ſtupid *Epicurean*; wallowing in all the low and filthy pleaſures of life; *till a falſe opinion of his wiſdom, the ſplendor of his great family, and the ſmoaky images of anceſtors, whom he reſembled in nothing but his complexion, recommended him to the Conſulſhip*; which expoſed the genuin temper and talents of the man [*m*].

HIS Collegue GABINIUS *was no hypocrite*, but a profeſſed rake from the beginning; *gay, foppiſh, luxurious; always curled, and perfumed; and living in a perpetual debauch of gaming, wine and women*; void of every principle of virtue, honor, and probity; and ſo deſperate

[*m*] Quam teter incedebat? quam truculentus? quam terribilis aſpectu? Aliquem te ex barbatis illis, exemplum veteris imperii, imaginem antiquitatis, columen Reipub. diceres intueri. Veſtitus aſpere, noſtra hac purpura plebeia, & pene fuſca. Capillo ita horrido, ut—tanta erat gravitas in oculo, tanta contractio frontis, ut illo ſupercilio Reſpub. tanquam Atlante cœlum, niti videretur. [Pro Sext. 8.] Quia triſtem ſemper, quia taciturnum, quia ſubhorridum atque incultum videbant, & quod erat eo nomine, ut ingenerata familiæ frugalitas videretur; favebant——etenim animus ejus vultu, flagitia parietibus tegebantur——laudabat homo doctus Philoſophos neſcio quos—9. Jacebat in ſuo Græcorum fœtore & vino——Græci ſtipati, quini in lectulis, ſæpe plures. In Piſ. 10. 27.

His utitur quaſi præfectis libidinum ſuarum: hi voluptates omnes veſtigant atque odorantur: hi ſunt conditores inſtructoreſque convivii, &c. Poſt red. in Sen. 6.

Obrepiſti ad honores errore hominum, commendatione fumoſarum imaginum, quarum ſimile nihil habes præter colorem. In Piſ. 1.

rate in his fortunes through the extravagance of his pleaſures, that he had no other reſource, or hopes of ſubſiſtence, but from the plunder of the Republic. In his Tribunate, to pay his court to POMPEY, *he expoſed to the mob the plan of* LUCULLUS's *houſe*, to ſhew what an expenſive fabric one of the greateſt ſubjects of *Rome* was building, as he would intimate, *out of the ſpoils of the Treaſury:* yet this vain man, oppreſſed with debts and ſcarce able to ſhew his head, found means, *from the perquiſites of his Conſulſhip, to build a much more magnificent palace, than* LUCULLUS *himſelf had done* [*n*]. No wonder then, that *two ſuch Conſuls*, ready to ſacrifice the Empire itſelf to their luſts and pleaſures, ſhould barter away the ſafety and fortunes of a private Senator, whoſe virtue was a ſtanding reproof to them, and whoſe very preſence gave ſome check to the free indulgence of their vices.

A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

CLODIUS having gained the Conſuls, made his next attempt upon the people, by obliging them with ſeveral new laws, contrived chiefly for their advantage, which he now promulgated. Firſt, *that corn ſhould be diſtributed gratis to the Citizens.* Secondly, *that no Magiſtrates ſhould take the Auſpices, or obſerve the heavens, when the people were actually aſſembled on public buſineſs.* Thirdly, *that the old Companies or Fraternities of the city, which the Senate had aboliſhed, ſhould be revived, and new ones inſtituted.* Fourthly, to pleaſe thoſe alſo of higher rank, *that the Cenſors ſhould not expell from the Senate, or inflict any mark of infamy on any man, who*

[*n*] Alter unguentis affluens, calamiſtrata coma, deſpiciens conſcios ſtuprorum—fefellit neminem—hominem emerſum ſubito ex diuturnis tenebris luſtrorum ac ſtuprorum—vino, ganeis, lenociniis, adulteriiſque confectum. Pro Sext. 9.

Cur ille gurges, heluatus tecum ſimul Reipub. ſanguinem, ad cœlum tamen extruxit villam in Tuſculano viſceribus ærarii. Pro Dom. 47.

A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

was not firſt openly accuſed and convicted of ſome crime by their joint ſentence [o]. Theſe laws, tho' generally agreeable, were highly unſeaſonable; tending to relax the public diſcipline, at a time when it wanted moſt to be reinforced: CICERO took them all to be levelled at himſelf, and contrived to pave the way to his ruin; ſo that he provided his friend L. NINNIUS, one of the Tribuns, *to put his negative upon them*; eſpecially on *the law of Fraternities*; which, under color of incorporating thoſe ſocieties, gave CLODIUS *an opportunity of gathering an army, and enliſting into his ſervice all the ſcumm and dregs of the city* [p]. DION CASSIUS ſays, *that* CLODIUS *fearing, leſt this oppoſition ſhould retard the effect of his other projects*, perſuaded CICERO, in an amicable conference, *to withdraw his Tribun, and give no interruption to his laws, upon a promiſe and condition, that he would not make any attempt againſt him* [q]: but we find from CICERO's account, that it was the advice of his friends, which induced him to be quiet againſt his own judgement; *becauſe the laws themſelves were popular, and did not perſonally affect him:* tho' he blamed himſelf ſoon afterwards for his indolence, and expoſtulated with ATTICUS for adviſing him to it; when he felt to his coſt the advantage which CLODIUS had gained by it [r].

FOR the true deſign of all theſe laws was, to introduce onely with better grace the grand plot of the play; *the baniſhment of* CICERO: which was now directly attempted

[o] Vid. Orat. in Piſon. 4. & notas Aſconii. Dio, l. 38. p. 67.

[p] Collegia, non ea ſolum, quæ Senatus ſuſtulerat, reſtituta, ſed innumerabilia quædam nova ex omni fæce urbis ac ſervitio concitata. In Piſon. 4.

[q] Dio, l. 38. p. 67.

[r] Nunquam eſſes paſſus mihi perſuaderi, utile nobis eſſe legem de Collegiis perferri. Ad Att. 3. 15.

tempted by a ſpecial law, importing, *that whoever had taken the life of a Citizen uncondemned and without a trial, ſhould be prohibited from fire and water* [*s*]. Tho' CICERO was not named, yet he was marked out by the law: his crime was, *the putting* CATILINE's *accomplices to death*; which, tho' not done by his ſingle authority, but by *a general vote of the Senate, and after a ſolemn hearing and debate*, was alledged to be *illegal, and contrary to the liberties of the people.* CICERO, finding himſelf thus reduced to the condition of a criminal, *changed his habit upon it*, as it was uſual in the caſe of a public impeachment; and appeared about the ſtreets *in a ſordid or mourning gown*, to excite the compaſſion of his citizens: whilſt CLODIUS, *at the head of his mob, contrived to meet and inſult him at every turn; reproaching him for his cowardice and dejection, and throwing dirt and ſtones at him* [*t*]. But CICERO ſoon gathered friends enough about him to ſecure him from ſuch inſults; *the whole body of the Knights and the young Nobility, to the number of twenty thouſand* [*u*], *with young* CRASSUS *at their head; who all changed their habit, and perpetually attended him about the city, to implore the protection and aſſiſtance of the people.*

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THE city was now in great agitation, and every part of it engaged on one ſide or the other. The Senate met in *the Temple of* CONCORD; while CICERO's friends aſſembled *in the Capitol*; whence all the Knights and the young Nobles went in their habit of mourning to throw themſelves

[*s*] Qui civem Romanum indemnatum perimiſſet, ei aqua & igni interdiceretur. Vell. Pat. 2. 45.

[*t*] Plutarch. Cicero.

[*u*] Pro me præſente Senatus, hominumque viginti millia veſtem mutaverunt. Poſt red. ad Quir. 3.

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themſelves at the feet of the Conſuls, and beg their interpoſition in CICERO's favor. PISO kept his houſe that day on purpoſe to avoid them; but GABINIUS received them with intolerable rudeneſs, tho' their petition was ſeconded by the entreaties and tears of the whole Senate: *he treated* CICERO's *character and Conſulſhip with the utmoſt deriſion*, and repulſed the whole company with *threats and inſults for their fruitleſs pains to ſupport a ſinking cauſe*. This raiſed great indignation in the aſſembly; where *the Tribun* NINNIUS, inſtead of being diſcouraged by the violence of the Conſul, made a motion, *that the Senate alſo ſhould change their habit with the reſt of the City; which was agreed to inſtantly by an unanimous vote*. GABINIUS, enraged at this, flew out of the Senate into the Forum; where he declared to the people from the *Roſtra*, *that men were miſtaken to imagine, that the Senate had any power in the Republic: that the Knights ſhould pay dear for that day's work; when, in* CICERO's *Conſulſhip, they kept guard in the Capitol with their drawn ſwords: and that the hour was now come, when thoſe, who lived at that time in fear, ſhould revenge themſelves on their enemies: and to confirm the truth of what he ſaid, he baniſhed* L. LAMIA, *a Roman Knight, two hundred miles from the city, for his diſtinguiſhed zeal and activity in* CICERO's *ſervice* [x]; an

[x] Hic ſubito cum incredibilis in Capitolium multitudo ex tota urbe, cunctaque Italia conveniſſet, veſtem mutandam omnes, meque etiam omni ratione, privato conſilio, quoniam publicis ducibus Reſpub. careret, defendendum putarunt. Erat eodem tempore Senatus in æde Concordiæ,—cum flens univerſus ordo cincinnatum Conſulem orabat, nam alter ille horridus & ſeverus domi ſe conſulto tenebat. Qua tum ſuperbia cœnum illud ac labes ampliſſimi ordinis preces & clariſſimorum civium lacrymas repudiavit? Me ipſum ut contemſit helluo patriæ?——Veſtris precibus a latrone iſto repudiatis, vir incredibili fide——L. Ninnius ad Senatum de Repub. retulit. Senatuſque frequens veſtem pro mea ſalute mutandam cenſuit.——Exanimatus evolat e Senatu——advocat concionem—errare homines, ſi etiam tum Senatum aliquid in Rep. poſſe arbitrarentur.——Veniſſe tempus iis, qui in timore fuiſſent,

an act of power, which no Conſul before him had ever preſumed to exert on any Citizen; which was followed preſently *by an edict from both the Conſuls*; *forbidding the Senate to put their late vote in execution, and enjoining them to reſume their ordinary dreſs* [y]. And *where is there*, ſays CICERO, *in all hiſtory, a more illuſtrious teſtimony to the honor of any man, than, that all the honeſt by private inclination, and the Senate by a public decree, ſhould change their habit for the ſake of a ſingle Citizen?* [z]. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

BUT the reſolution of *changing his gown* was too haſty and inconſiderate, and helped to precipitate his ruin. He was not named in the law, nor perſonally affected by it: the terms of it were general, and ſeemingly juſt, reaching onely to thoſe, *who had taken the life of a Citizen illegally*. Whether this was his caſe, or not, was not yet the point in iſſue, but to be the ſubject of another trial: ſo that by making himſelf a criminal before his time, he ſhortened the trouble of his enemies, diſcouraged his friends, and made his caſe more deſperate than he needed to have done: whereas, if he had taken the part of *commending or ſlighting the law, as being wholly unconcerned in it*; and when he came to be actually attacked by a ſecond law, and brought to a trial upon it, had ſtood reſolutely upon his defenſe, he might have baffled the malice of his proſecutors. He was ſenſible of his error, when it was too late; and oft reproaches ATTICUS, *that being*

ſuiſſent, ulciſcendi ſe.—L. Lamiam—in concione relegavit, edixitque ut ab urbe abeſſet millia paſſuum ducenta—[Pro Sext. 11, 12, 13. it. poſt red. in Sen. 5.] Quod ante id tempus civi Romano contigit nemini. Epiſt. fam. 11. 16.

[y] Cum ſubito edicunt duo Conſules, ut ad ſuum veſtitum Senatores redirent. Ep. fam. 11. 14.

[z] Quid enim quiſquam poteſt ex omni memoriâ ſumere illuſtrius, quam pro uno cive & bonos omnes privato conſenſu, & univerſum Senatum publico conſilio mutaſſe veſtem? Ibid. 12.

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being a ſtander by, and leſs heated in the game than himſelf, he would ſuffer him to make ſuch blunders [*a*].

As *the other Conſul*, PISO, had not yet explicitely declared himſelf, ſo CICERO, accompanied by *his ſon in law*, who was his near kinſman, took occaſion to make him a viſit, in hopes to move him to eſpouſe his cauſe, and ſupport the authority of the Senate. They went to him about eleven in the morning, and found him, as CICERO afterwards told the Senate, "coming out from "a little, dirty hovel, freſh from the laſt night's de-"bauch, with his ſlippers on, his head muffled, and "his breath ſo ſtrong of wine, that they could hardly "bear the ſcent of it: he excuſed his dreſs, and ſmell "of wine, on the account of his ill health; for which "he was obliged, he ſaid, to take ſome vinous medi-"cines; but he kept them ſtanding all the while in "that filthy place, till they had finiſhed their buſineſs. "As ſoon as CICERO entered into the affair, he frankly "told them, that GABINIUS was ſo miſerably poor, "as not to be able to ſhew his head; and muſt be ut-"terly ruined, if he could not procure ſome rich pro-"vince; that he had hopes of one from CLODIUS, but "deſpaired of any thing from the Senate; that for his "own part, it was his buſineſs to humor him on this "occaſion, as CICERO had humored his Collegue in his "Conſulſhip; and that there was no reaſon to implore "the help of the Conſuls, ſince it was every man's duty "to

[*a*] Nam prior lex nos nihil lædebat: quam ſi, ut eſt promulgata, laudare voluiſſemus, aut, ut erat negligenda, negligere, nocere omnino nobis non potuiſſet. Hic mihi primum meum conſilium defuit; ſed etiam obfuit. Cæci, cæci, inquam, fuimus in veſtitu mutando, in populo rogando. Quod, niſi nominatim mecum agi cœptum eſſet, pernicioſum fuit.——Me, meos meis tradidi inimicis, inſpectante & tacente te; qui, ſi non plus ingenio valebas quam ego, certe timebas minus. Ad Att. 3. 15.

" to look to himſelf [*b*]:" which was all that they could get from him. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

CLODIUS, all the while, was not idle, but puſhed on his law with great vigor; and calling the people into *the Flaminian Circus*, ſummoned thither alſo *the young Nobles and the Knights*, who were ſo buſy in CICERO's cauſe, *to give an account of their conduct to that aſſembly:* but as ſoon as they appeared, *he ordered his ſlaves and mercenaries to fall upon them with drawn ſwords, and vollies of ſtones*, in ſo rude a manner, *that* HORTENSIUS *was almoſt killed, and* VIBIENUS, *another Senator, ſo deſperately hurt, that he died ſoon after of his wounds* [*c*]. Here he *produced the two Conſuls*, to deliver their ſentiments to the people on the merit of CICERO's *Conſulſhip*; when GABINIUS *declared with great gravity, that he utterly condemned the putting Citizens to death without a trial:* PISO onely ſaid, *that he had always been on the merciful ſide, and had a great averſion to cruelty* [*d*]. The reaſon of holding this aſſembly in *the Flaminian Circus*, without the gates of *Rome*, was to give CÆSAR an opportunity of aſſiſting at it, who, *being now inveſted with a military command, could not appear within the walls.* CÆSAR therefore being called upon, after the Conſuls, to deliver his mind on the ſame queſtion, de-

[*b*] Egere—Gabinium; ſine provincia ſtare non poſſe: ſpem habere a Tribuno pleb.—a Senatu quidem deſperaſſe: hujus te cupiditati obſequi, ſicut ego feciſſem in Collega meo: nihil eſſe quod præſidium Conſulum implorarem; ſibi quemque conſulere oportere, &c.—In Piſon. 6.

[*c*] Qui adeſſe nobiliſſimos adoleſcentes, honeſtiſſimos Equites Romanos deprecatores meæ ſalutis juſſerit; eoſque operarum ſuarum gladiis & lapidibus objecerit. Pro Sext. 12.

Vidi hunc ipſum Hortenſium, lumen & ornamentum Reipub. pene interfici ſervorum manu——qua in turba C. Vibienus, Senator, vir optimus, cum hoc cum eſſet una, ita eſt mulctatus, ut vitam amiſerit. Pro Mil. 14.

[*d*] Preſſa voce & temulenta, quod in cives indemnatos eſſet animadverſum, id ſibi dixit gravis auctor vehementiſſime diſplicere. Poſt red. in Sen. 6.

Cum eſſes interrogatus quid ſentires de Conſulatu meo, reſpondes, crudelitatem tibi non placere. In Piſ. 6. Te ſemper miſericordem fuiſſe. Poſt red. in Sen. 7.

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clared, *that the proceedings againſt* Lentulus *and the reſt were irregular and illegal; but that he could not approve the deſign of puniſhing any body for them: that all the world knew his ſenſe of the matter, and that he had given his vote againſt taking away their lives; yet he did not think it right to propound a law at this time, about things that were ſo long paſt* [*e*]. This anſwer was artfull, and agreeable to the part which he was then acting; for while it confirmed the foundation of Clodius's *law*, it carried a ſhew of moderation towards Cicero; or, as an ingenious writer expreſſes it, *left appearances onely to the one, but did real ſervice to the other* [*f*].

In this ſame aſſembly, Clodius got a new law likewiſe enacted, that made a great alteration in the conſtitution of the Republic; *viz. the repeal of the Ælian and Fuſian laws*; by which the people were left at liberty to tranſact all public buſineſs, *even on the days called Faſti, without being liable to be obſtructed by the Magiſtrates on any pretence whatſoever* [*g*]. The two laws, now repealed, had been in force *about a hundred years* [*h*]; and made it unlawful *to act any thing with the people, while the Augurs or Conſuls were obſerving the heavens and taking the auſpices.* This wiſe conſtitution was the main ſupport of the ariſtocratical intereſt, and a perpetual curb to the petulance of factious Tribuns, whoſe

[*e*] Dio, l. 38. p. 69.

[*f*] Exil. de Cicer. p. 133.

[*g*] Iiſdem Conſulibus ſedentibus atque inſpectantibus lata lex eſt, ne auſpicia valerent, ne quis obnunciaret, ne quis legi intercederet; ut omnibus faſtis diebus legem ferre liceret: ut lex Ælia, lex Fuſia ne valeret. Qua una rogatione quis non intelligat, univerſam Rempublicam eſſe deletam? [Pro Sext. 15.] Suſtulit duas leges, Æliam & Fuſiam, maxime Reipub. ſalutares. De Haruſp. reſp. 27.

The *Dies Faſti* were the days on which the courts of law were open, and the Prætors ſat to hear cauſes, which were marked for that purpoſe in the Calendars: but before this *Clodian Law* it was not allowed to tranſact any buſineſs upon them with the people.

[*h*] Centum prope annos legem Æliam & Fuſiam tenueramus. In Piſ. 5.

whoſe chief opportunity of doing miſchief lay in their power of obtruding dangerous laws upon the city, by their credit with the populace. CICERO therefore frequently laments *the loſs of theſe two laws, as fatal to the Republic*; he calls them *the moſt ſacred and ſalutary laws of the State*; *the fences of their civil peace and quiet*; *the very walls and bulwarks of the Republic*; *which had held out againſt the fierceneſs of the* GRACCHI; *the audaciouſneſs of* SATURNINUS; *the mobs of* DRUSUS; *the bloodſhed of* CINNA; *the arms of* SYLLA [*i*]; to be aboliſhed at laſt by the violence of this worthleſs Tribun.

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POMPEY, who had hitherto been giving CICERO the ſtrongeſt aſſurances of his friendſhip, and been frequent and open in his viſits to him, began now, as the plot ripened towards a criſis, to grow cool and reſerved; while *the Clodian faction*, fearing leſt he might be induced at laſt to protect him, were employing all their arts *to infuſe jealouſies and ſuſpicions into him of a deſign againſt him from* CICERO. *They poſted ſome of their confidents at* CICERO's *houſe, to watch his coming thither, and to admoniſh him by whiſpers and billets put into his hands, to be cautious of venturing himſelf there, and to take better care of his life; which was inculcated to him likewiſe ſo ſtrongly at home by perpetual letters and meſſages from pretended friends, that he thought fit to withdraw himſelf from the city, to his houſe on the Alban hill* [*k*]. It cannot be imagined, that he could enter-

[*i*] Deinde ſanctiſſimas leges, Æliam & Fuſiam, quæ in Gracchorum ferocitate, & in audacia Saturnini, & in colluvione Druſi, & in cruore Cinnano, etiam inter Syllana arma vixerunt, ſolus conculcaris ac pro nihilo putaris. In Vatin. 9. Propugnacula murique tranquillitatis & otii. In Piſon. 4.

[*k*] Cum iidem illum, ut me metueret, me caveret,

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tain any real apprehenſion of CICERO; both CICERO's character and his own make that incredible: but if he had conceived any, it was not, as CICERO ſays, *againſt him, but againſt the common enemies of them both, leſt they might poſſibly attempt ſomewhat in* CICERO's *name*; and, by the opportunity of charging it upon CICERO, hope to get rid of them both at the ſame time. But the moſt probable conjecture is, that being obliged, by his engagements with CÆSAR, *to deſert* CICERO, and ſuffer him to be driven out of the city, he was willing to humor theſe inſinuations, as giving the moſt plauſible pretext of excuſing his perfidy.

BUT CICERO had ſtill with him not onely all the beſt, but much the greateſt part of the city; *determined to run all hazards, and expoſe their lives for his ſafety* [*l*]; and was more than a match for all the ſtrength of CLODIUS *and the Conſuls*, if the Triumvirate onely would ſtand neuter. Before things came therefore to extremity, he thought it adviſeable to preſs POMPEY in ſuch a manner, as to know for certain, what he had to expect from him: ſome of his chief friends undertook this taſk; LUCULLUS, TORQUATUS, LENTULUS, &c. who, with a numerous attendance of citizens, went to find him at his *Alban Villa*, and to intercede with him, *not to deſert the fortunes of his old friend.* He received them civilly, tho' coldly; referring them wholly to the Conſuls, and declaring, *that he, being onely a private man,*

caveret, monuerunt; iidem me, mihi illum uni eſſe inimiciſſimum, dicerent.—Pro Dom. XI.

Quem—domi meæ certi homines ad eam rem compoſiti monuerunt, ut eſſet cautior: ejuſque vitæ a me inſidias apud me domi poſitas eſſe dixerunt: atque hanc ei ſuſpicionem alii litteris mittendis, alii nunciis, alii coram ipſi excitaverunt, ut ille, cum a me certe nihil timeret, ab illis, ne quid meo nomine molirentur, cavendum putaret. Pro Sext. 18.

[*l*] Si ego in cauſa tam bona, tanto ſtudio Senatus, conſenſu tam incredibili bonorum omnium, tam parato, tota denique Italia ad omnem contentionem expedita. Ibid. 16.

man, could not pretend to take the field againſt an armed Tribun, without a public authority; but if the Conſuls, by a decree of the Senate, would enter into the affair, he would preſently arm himſelf in their defenſe [*m*]. With this anſwer they addreſſed themſelves again to the Conſuls; but with no better ſucceſs than before: GABINIUS treated them rudely; but PISO calmly told them, *that he was not ſo ſtout a Conſul, as* TORQUATUS *and* CICERO *had been; that there was no need of arms, or fighting; that* CICERO *might ſave the Republic a ſecond time, if he pleaſed, by withdrawing himſelf; for if he ſtaid, it would coſt an infinite quantity of civil blood; and in ſhort, that neither he, nor his collegue, nor his ſon in law,* CÆSAR, *would relinquiſh the party of the Tribun* [*n*]. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

AFTER this repulſe, CICERO reſolved to make his laſt effort on POMPEY, *by throwing himſelf in perſon at his feet.* PLUTARCH tells us, *that* POMPEY *ſlipt out at a back door, and would not ſee him:* but it is certain from CICERO's account, that he was admitted to an audience; and *when he began to preſs and even ſupplicate him, in a manner the moſt affecting, that* POMPEY *flatly refuſed to help him; alledging, in excuſe of himſelf, the neceſſity, which he was under, of acting nothing againſt the will of* CÆSAR [*o*]. This experiment convinced CICERO, that he

[*m*] Nonne ad te L. Lentulus, L. Torquatus, M. Lucullus venit? Qui omnes ad eum, multique mortales oratum in Albanum obſecratumque venerant, ne meas fortunas deſereret, cum Reipub. fortunis conjunctas.——Se contra armatum Tribunum pleb. ſine conſilio publico decertare nolle: Conſulibus ex Senatus conſulto Rempub. defendentibus, ſe arma ſumpturum. In Piſon. 31.

[*n*] Quid, infelix, reſponderis?——Te non eſſe tam fortem, quam ipſe Torquatus in conſulatu fuiſſet, aut ego: nihil opus eſſe armis, nihil contentione: me poſſe iterum Rempub. ſervare, ſi ceſſiſſem; infinitam cædem fore, ſi reſtitiſſem. Deinde ad extremum, neque ſe, neque generum, neque collegam ſuum Tribuno pleb. defuturum. Ibid.

[*o*] Is, qui nos ſibi quondam ad pedes ſtratos ne ſublevabat quidem, qui ſe nihil contra hujus voluntatem facere poſſe aiebat. Ad Att. 10. 4.

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he had a much greater power to contend with, than what had yet appeared in ſight: he called therefore a council of his friends, with intent to take his final reſolution, agreeably to their advice. The queſtion was, *Whether it was beſt to ſtay, and defend himſelf by force; or to ſave the effuſion of blood, by retreating, till the ſtorm ſhould blow over:* LUCULLUS *adviſed the firſt*; but CATO, and above all HORTENSIUS, *warmly urged the laſt*; which concurring alſo with ATTICUS's *advice*, as well as *the fears and entreaties of all his own family*, made him reſolve to quit the field to his enemies, and ſubmit to a voluntary exil [*p*].

A LITTLE before his retreat, he took *a ſmall ſtatue of* MINERVA, which had long been reverenced in his family, as a kind of Tutelar Deity, *and carrying it to the Capitol, placed it in the Temple of* JUPITER, *under the title of* MINERVA, *the guardian of the city* [*q*]. His view might poſſibly be to ſignify, that after he had done all, which human prudence could contrive, for the defenſe of the Republic, he was now forced to give it up to the protection of the Gods; ſince nothing leſs than the interpoſition of ſome Deity could preſerve it from ruin; or rather, as he himſelf ſeems to intimate, in the uncertain iſſue of his flight, and the plunder of his goods, which was likely to enſue, he had a mind *to preſerve this ſacred image*, in the moſt conſpicuous part of the city, as a monument of his ſervices, which would naturally excite an affectionate remembrance of him in the people, by letting them ſee, that his heart was ſtill there, where he had

[*p*] Lacrymæ meorum me ad mortem ire prohibuerunt. Ibid. 4. Plutarch in Cic.

[*q*] Nos, qui illam cuſtodem urbis, omnibus ereptis noſtris rebus ac perditis, violari ab impiis paſſi non ſumus, eamque ex noſtra domo in ipſius patris domum detulimus. De Leg. 2. 17.

had depoſited his Gods. After this act he withdrew himſelf in the night, eſcorted by a numerous guard of friends, who, after a day's journey or two, left him, with great expreſſions of tenderneſs, to purſue his way towards *Sicily*; which he propoſed for the place of his reſidence, and where, for his eminent ſervices to the iſland, he aſſured himſelf of a kind reception and ſafe retreat.

A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.



SECT.



H. Gravelot Inv. & Sculp.

SECT. V.

A. Urb. 695. Cic. 49. Coſſ. L. Calpurnius Piso, A. Gabinius.

THE wretched alternative to which Cicero was reduced, of loſing either his country or his life, is ſufficient to confute all the cavils of thoſe, who, from a hint or two in his writings, obſcurely thrown out, and not well underſtood, are ſo forward to charge him with the levity of temporizing, or ſelling himſelf for any bribe, which could feed his vanity; for nothing is more evident, than that he might not onely have avoided this ſtorm, but obtained whatever honors he pleaſed, by entring into the meaſures of *the Triumvirate*, and lending his authority to the ſupport of their power; and that the onely thing, which provoked Cæsar to bring this calamity upon him, was, *to ſee all his offers ſlighted, and his friendſhip utterly rejected by him.*

him [*a*]. This he expreſſly declares to the Senate, who were conſcious of the truth of it; "That CÆSAR had "tried all means to induce him to take part in the acts "of his Conſulſhip; had offered him Commiſſions and "Lieutenancies of what kind, and with what privileges "he ſhould deſire; to make him even a fourth in "the alliance of the Three, and to hold him in the "ſame rank of friendſhip with POMPEY himſelf.-----All "which I refuſed, ſays he, not out of ſlight to CÆSAR, "but conſtancy to my principles; and becauſe I thought "the acceptance of them unbecoming the character, "which I ſuſtained; how wiſely, I will not diſpute; "but am ſure, that it was firmly and bravely; when "inſtead of baffling the malice of my enemies, as I could "eaſily have done by that help, I choſe to ſuffer any "violence, rather than to deſert your intereſt, and de-"ſcend from my own rank [*b*].

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CÆSAR continued at *Rome*, till he ſaw CICERO driven out of it; but had no ſooner laid down his Conſulſhip, than he began to be attacked and affronted himſelf, by *two of the new Prætors*, L. DOMITIUS and C. MEMMIUS; who called in queſtion *the validity of his acts, and made ſeveral efforts in the Senate to get them annulled by public authority*. But the Senate had no ſtomach to meddle with an affair ſo delicate; ſo that the whole ended in ſome fruitleſs debates and altercations; and CÆSAR, to prevent all attempts of that kind in his abſence, took care always, *by force of bribes, to ſecure the leading Magi-*

 ſtrates

[*a*] Hoc ſibi contraxiſſe videbatur Cicero, quod inter xx. viros dividendo agro Campano eſſe noluiſſet. Vell. Paterc. 2. 45. ad Att. 9. 2.

[*b*] Conſul egit eas res, quarum me participem eſſe voluit.——Me ille ut Quinqueviratum acciperem rogavit; me in tribus ſibi conjunctiſſimis Conſularibus eſſe voluit; mihi legationem, quam vellem, quanto cum honore vellem, detulit. Quæ ego non ingrato animo, ſed obſtinatione quadam ſententiæ repudiavi, &c. De Prov. Conſ. 17.

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ſtrates to his intereſts; and ſo went off to his province of *Gaul* [*c*]. But as this unexpected oppoſition gave ſome little ruffle to *the Triumvirate*, ſo it ſerved them, as an additional excuſe for their behaviour towards CICERO; alledging, *that their own dangers were nearer to them, than other people's; and that they were obliged, for their own ſecurity, not to irritate ſo popular a Tribun, as* CLODIUS [*d*].

AS ſoon as it was known, that CICERO was gone, CLODIUS filled the Forum with his band of ſlaves and incendiaries, and publiſhed a ſecond law, *to the* Roman *people, as he called them, tho' there was not one honeſt Citizen, or man of credit amongſt them* [*e*]. The law, as we may gather from the ſcattered paſſages of it, was conceived in the following terms.

Whereas M. T. CICERO *has put* Roman *Citizens to death unheard and uncondemned; and for that end forged the authority and decree of the Senate: may it pleaſe you to ordain, that he be interdicted from fire and water: that no body preſume to harbour or receive him on pain of death: and that whoever ſhall move, ſpeak, vote, or take any ſtep towards recalling him, he ſhall be treated as a public enemy; unleſs thoſe ſhould firſt be recalled to life, whom* CICERO *unlawfully put to death* [*f*].

THE law was drawn *by* SEXT. CLODIUS, the kinſman, and

[*c*] Functus Conſulatu, C. Memmio, L. Domitio Prætoribus, de ſuperioris anni actis referentibus, cognitionem Senatui detulit: nec illo ſuſcipiente, triduoque per irritas altercationes abſumpto, in provinciam abiit——ad ſecuritatem igitur poſteri temporis in magno negotio habuit obligare ſemper annuos magiſtratus, & e petitoribus non alios adjuvare, aut ad honorem pati pervenire, quam qui ſibi recepiſſent propugnaturos abſentiam ſuam.—Sueton. J. Cæſ. 23.

[*d*] Illi autem aliquo tum timore perterriti, quod acta illa, atque omnes res anni ſuperioris labefactari a Prætoribus, infirmari a Senatu, atque principibus civitatis putabant, Tribunum popularem a ſe alienare nolebant, ſuaque ſibi propiora pericula eſſe, quam mea, loquebantur. Pro Sext. 18.

[*e*] Non denique ſuffragii latorem in iſta tua proſcriptione quenquam, niſi furem ac ſicarium reperire potuiſti. Pro Dom. 18.

[*f*] Vid. Pro Dom. 18, 19, 20. Poſt red. in Sen. 2, x.

and prime miniſter of the Tribun; tho' VATINIUS alſo laid ſome claim to it, *and was the onely one of Senatorian rank who openly approved it* [g]. It was eſſentially null and invalid, both for the matter and the form: for in the firſt place, it was not properly *a law*, but what they called *a privilege*; *or an act, to inflict penalties on a particular Citizen by name, without any previous trial*; *which was expreſſly prohibited by the moſt ſacred and fundamental conſtitutions of the Republic* [h]. Secondly, *the terms of it were ſo abſurd, that they annulled themſelves*; *for it enacted, not that* CICERO *may or ſhould be, but that he be interdicted*; *which was impoſſible*; *ſince no power on earth*, ſays CICERO, *can make a thing to be done, before it be done* [i]. Thirdly, *the penal clauſe being grounded on a ſuggeſtion notoriouſly falſe, that* CICERO *had forged the decrees of the Senate*; *it could not poſſibly ſtand, for want of a foundation* [k]. Laſtly, *tho' it provided that no body ſhould harbour him, yet it had not ordered him to be expelled, or enjoined him to quit the city* [l]. It was the cuſtom, in all laws made by the Tribes, to inſert *the name of the Tribe, which was firſt called to vote*; *and of the man, who firſt voted in it for the law*; that he might be tranſmitted down with

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[g] Hanc tibi legem S. Clodius ſcripſit—homini egentiſſimo ac facinoroſiſſimo S. Clodio, ſocio tui ſanguinis.——Hoc tu ſcriptore, hoc conſiliario, hoc miniſtro—Rempub. perdidiſti. Pro Dom. 2, x, 18. Ille unus ordinis noſtri diſceſſu meo—palam exſultavit—Pro Sext. 64.

[h] Vetant leges ſacratæ, vetant XII. tabulæ, leges privatis hominibus irrogari. Id eſt enim Privilegium. Pro Dom. 17.

[i] Non tulit ut interdicatur ſed ut interdictum ſit.—Sexte noſter, bona venia, quoniam jam dialecticus es——quod factum non eſt, ut ſit factum, ferri ad populum, aut verbis ullis ſanciri, aut ſuffragiis confirmari poteſt? ib. 18. Quid ſi iis verbis ſcripta eſt iſta proſcriptio, ut ſe ipſa diſſolvat? ib. 19.

N. B. The diſtinction here intimated between *interdicatur*, and *interdictum ſit*, deſerves the attention of all Grammarians. They are commonly uſed indifferently, as terms wholly equivalent; yet according to *Cicero*'s criticiſm, the one, we ſee, makes the ſenſe abſurd, where the other is juſt and proper.

[k] Eſt enim, quod M. Tullius falſum Senatus conſultum retulerit, ſi igitur retulit falſum Senatus conſultum, tum eſt rogatio: ſi non retulit, nulla eſt. Pro Dom. 19.

[l] Tuliſti de me ne reciperer, non ut exirem—pœna eſt, qui receperit; quam omnes neglexerunt; ejectio nulla eſt. Ibid. 20.

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the law itſelf, as the principal eſpouſer and promoter of it [*m*]. This honor was given to one Sedulius, a mean, obſcure fellow, without any ſettled habitation, who yet afterwards declared, *that he was not in* Rome *at the time, and knew nothing at all of the matter:* which gave Cicero occaſion to obſerve, when he was reproaching Clodius with this act, *that* Sedulius *might eaſily be the firſt voter, who, for want of a lodging, uſed to lie all night in the Forum; but it was ſtrange, that when he was driven to the neceſſity of forging a leader, he ſhould not be able to find a more reputable one* [*n*].

With this law againſt Cicero, there was another publiſhed at the ſame time, which, according to the ſtipulation already mentioned, was to be the pay and price for it; *to grant to the two Conſuls the provinces above ſpecified, with a proviſion of whatever troops and money they thought fit* [*o*]. Both the laws paſſed without oppoſition; and Clodius loſt no time in putting the firſt of them in execution; but fell to work immediately in plundering, burning and demoliſhing Cicero's *houſes*, both in the city and the country. *The beſt part of his goods was divided between the two Conſuls; the marble columns of his Palatin houſe were carried publicly to* Piso's *father in law; and the rich furniture of his Tuſculan Villa to his neighbour* Gabinius; *who removed even the*

[*m*] Tribus Sergia principium fuit: pro Tribu, Sextus L. F. Varro primus ſcivit. This was the form, as appears from fragments of the old laws. Vid. Frontin. de Aquæd.—— Fragment. Legis Thoriæ, apud rei agrar. Scriptores. Liv. 9. 38.

[*n*] Sedulio principe, qui ſe illo die confirmat Romæ non fuiſſe. Quod ſi non fuit, quid te audacius, qui in ejus nomen incideris? Quid deſperatius, qui ne ementiendo quidem potueris auctorem adumbrare meliorem? Sin autem is primus ſcivit, quod facile potuit, propter inopiam tecti in foro pernoctans. Pro Dom. 30. Quam Sedulius ſe negat ſciviſſe. Ibid. 31.

[*o*] Ut provincias acciperent, quas ipſi vellent: exercitum & pecuniam quantam vellent. Pro Sext. x. in Piſon. 16. Illo ipſo die—mihi Reique pub. pernicies, Gabinio & Piſoni provincia rogata eſt. Pro Sext. 24.

the trees of his plantations into his own grounds [*p*]: and to make the loſs of his houſe in *Rome* irretrievable, CLODIUS *conſecrated the Area, on which it ſtood, to the perpetual ſervice of religion, and built a temple upon it to the Goddeſs* LIBERTY [*q*]. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

WHILE CICERO's houſe was in flames, the two Conſuls, with all their ſeditious crew around them, *were publicly feaſting and congratulating each other for their victory, and for having revenged the death of their old friends on the head of* CICERO: where, in the gaiety of their hearts, GABINIUS *openly bragged, that he had always been the favourite of* CATILINE; *and* PISO, *that he was couſin to* CETHEGUS [*r*]. CLODIUS, in the mean while, not content with exerting his vengeance onely *on* CICERO's *houſes*, purſued his wife and children with the ſame fury: and made ſeveral attempts to *get young* CICERO, *the ſon, into his hands, then about ſix years old, with an intent to kill him* [*s*]: but the child was carefully guarded by the friends of the family, and removed from the reach of his malice. TERENTIA *had taken ſanctuary in the temple of* Veſta, *but was dragged out of it forcibly, by his orders, to the public Office or Tribunal*, where he was ſitting, to be examined, about the concealment of her huſband's effects: but

[*p*] Uno eodemque tempore domus mea diripiebatur, ardebat: bona ad vicinum Conſulem de Palatio; de Tuſculano ad item alterum vicinum Conſulem deferebantur. Poſt red. in Sen. 7.

Cum domus in Palatio, villa in Tuſculano, altera ad alterum Conſulem transferebatur, columnæ marmoreæ ex ædibus meis, inſpectante populo Romano, ad ſocerum Conſulis portabantur: in fundum autem vicini Conſulis non inſtrumentum, aut ornamenta villæ, ſed etiam arbores transferebantur. Pro Dom. 24.

[*q*] Cum ſuis dicat ſe manibus domum civis optimi evertiſſe, & eam iiſdem manibus conſecraſſe——Ibid. 40.

[*r*] Domus ardebat in Palatio——Conſules epulabantur, & in conjuratorum gratulatione verſabantur; cum alter ſe Catilinæ delicias, alter Cethegi conſobrinum fuiſſe diceret.—— Pro Dom. 24. in Piſon. XI. Pro Sext. 24.

[*s*] Vexabatur uxor mea: liberi ad necem quærebantur. Pro Sext. 24.

Quid vos uxor mea miſera violarat? Quam vexaviſtis raptaviſtis——quid mea filia?—— Quid parvus filius?———Quid fecerat, quod eum toties per inſidias interficere voluiſtis?— Pro Dom. 23.

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but being a woman of ſingular ſpirit and reſolution, ſhe bore all his inſults with a maſculine courage [*t*].

But while Clodius ſeemed to aim at nothing in this affair, but the gratification of his revenge, he was carrying on a private intereſt at the ſame time, which he had much at heart. The houſe, in which he himſelf lived, was contiguous to a part of Cicero's ground; which, being now laid open, made that ſide of *the Palatin hill* the moſt airy and deſirable ſituation in *Rome*: his intention therefore was, by the purchaſe of another houſe which ſtood next to him, *to make the whole Area his own*, with the benefit of *the fine Portico and Temple* annexed: ſo that he had no ſooner demoliſhed Cicero's houſe, than he began to treat with the owner of the next, Q. Seius Postumus, *a Roman Knight, who abſolutely refuſed to ſell it, and declared that* Clodius, *of all men, ſhould never have it, while he lived*: Clodius *threatened to obſtruct his windows*; but finding that neither his threats, nor offers availed any thing, he contrived *to get the Knight poyſoned; and ſo bought the houſe, after his death, at the ſale of his effects, by outbidding all who offered for it.* His next ſtep was, to ſecure the remaining part of Cicero's *area*, which was not included *in the conſecration*, and was now alſo expoſed by his direction to a public auction; but as it was not eaſy to find *any citizen, who would bid for it*; and he did not care *to buy it in his own name*, he was forced to provide an obſcure, needy fellow, called Scato, *to purchaſe it for him*, and by

[*t*] A te quidem omnia fieri fortiſſime, atque amantiſſime video: nec miror;——nam ad me P. Valerius—ſcripſit id quod ego maximo cum fletu legi, quemadmodum a Veſtæ ad tabulam Valeriam ducta eſſes. Ep. fam. 14. 2.

by that means became maſter *of the moſt ſpacious habitation in all the city* [*u*]. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

THIS deſolation of CICERO's fortunes at home, and the miſery which he ſuffered abroad, in being deprived of every thing, that was dear to him, ſoon made him repent of the reſolution of his flight; which he aſcribes *to the envy and treachery of his counſellors*, who taking the advantage of his fears, and the perplexity, which he was under, puſhed him to an act both ruinous and inglorious. This he chiefly charges on HORTENSIUS; and tho' he forbears to name him to ATTICUS, on account of the ſtrict friendſhip between them, yet he accuſes him very freely to his brother QUINTUS, *of coming every day inſidiouſly to his houſe, and with the greateſt profeſſions of zeal and affection, perpetually inſinuating to his hopes and fears, that by giving way to the preſent rage, he could not fail of being recalled with glory in three days time* [*x*]. HORTENSIUS was particularly intimate at this time with POMPEY; and might poſſibly be employed to urge CICERO to this ſtep, in order to ſave POMPEY the diſgrace of being forced to act againſt him with a high hand. But let that be as it will, it was POMPEY's conduct, which ſhocked CICERO the moſt: not for it's being contrary *to his oaths*, which

[*u*] Ipſe cum loci illius, cum ædium cupiditate flagraret.——Pro Dom. 41.

Monumentum iſte, nunquam aut religionem ullam excogitavit: habitare laxe & magnifice voluit: duaſque & magnas & nobiles domos conjungere. Eodem puncto temporis quo meus diſceſſus iſti cauſam cædis eripuit, a Q. Seio contendit, ut domum ſibi venderet. Cum ille id negaret, primo ſe luminibus ejus eſſe obſtructurum minabatur. Affirmabat Poſtumus, ſe vivo, domum ſuam iſtius nunquam futuram. Acutus adoleſcens ex iſtius ſermone intellexit, quid fieri oporteret. Hominem veneno apertiſſime ſuſtulit. Emit domum, licitatoribus defatigatis——in Palatio pulcherrimo proſpectu porticum cum conclavibus pavimentatam trecentum pedum concupierat; ampliſſimum periſtylum, facile ut omnium domos & laxitate & dignitate ſuperaret: & homo religioſus, cum ædes meas idem emeret & venderet, tamen illis tantis tenebris, non auſus eſt ſuum nomen emptioni aſcribere. Poſuit ſcilicet Scatonem illum. Pro Dom. 44.

At in iis ædibus, quas tu Q. Seio Equite Romano—per te apertiſſime interfecto, tenes. De Haruſp. reſpon. 14.

[*x*] Me ſumma ſimulatione amoris, ſummaque aſſiduitate quotidiana ſceleratiſſime, inſidioſiſſimeque tractavit, adjuncto etiam Arrio, quorum ego conſiliis, promiſſis, præceptis deſtitutus, in hanc calamitatem incidi. Ad Quint. Frat. 1. 3.

Sæpe triduo ſumma cum gloria dicebar eſſe rediturus. Ibid. 4.

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which the ambitious can eaſily diſpenſe with, but *to his intereſt*, which they never neglect, but through weakneſs. The conſideration of what was *uſeful to* POMPEY, made him depend on his aſſiſtance [*y*]: he could have guarded againſt his treachery, but could not ſuſpect him of the folly, of giving himſelf intirely up to CÆSAR, who was the principal mover and director of the whole affair.

IN this ruffled and querulous ſtate of his mind, ſtung with the recollection of his own miſtakes, and the perfidy of his friends, he frequently laments, *that he had not tried the fate of arms, and reſolved either to conquer bravely, or fall honorably:* which he dwells ſo much upon in his letters, as to ſeem perſuaded, that it would have been his wiſeſt courſe. But this is a problem, not eaſy to be ſolved: it is certain, that his enemies were uſing all arts, to urge him to the reſolution of retreating; as if they apprehended the conſequences of his ſtay; and that the real aim *of the Triumvirate* was, not to deſtroy, but to humble him: yet it is no leſs certain, that all reſiſtance muſt have been vain, if they had found it neceſſary to exert their ſtrength againſt him; and that they had already proceeded too far, to ſuffer him to remain in the city, in defiance of them: and if their power had been actually employed to drive him away, his return muſt have been the more deſperate, and they the more intereſted to keep him out; ſo that it ſeems to have been his moſt prudent part, and the moſt agreeable to his character, to yield, as he did, to the neceſſity of the times.

BUT

[*y*] Sed ſi quiſquam fuiſſet, qui me Pompeii minus liberali reſponſo perterritum, a turpiſſimo conſilio revocaret.——Ad Att. 3. 15.

Multa, quæ mentem exturbarent meam: ſubita defectio Pompeii. Ad Quin. Frat. 1. 4.

Nullum eſt meum peccatum, niſi quod iis credidi, a quibus nefas putaram eſſe me decipi, aut etiam quibus ne id expedire quidem arbitrabar.——Ibid.——

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BUT we have a full account of the motives of his retreat, in the ſpeeches, which he made after his return, both to the Senate and the people. " When I ſaw the " Senate, *ſays he*, deprived of it's leaders; my ſelf partly " puſhed, and partly betrayed by the Magiſtrates; the " ſlaves enrolled by name, under the color of fraternities; " the remains of CATILINE's forces brought again into " the field, under their old Chiefs; the Knights terrified " with Proſcriptions; the Corporate Towns with military " execution; and all with death and deſtruction; I could " ſtill have defended my ſelf by arms; and was adviſed " to it by many brave friends, nor did I want that ſame " courage, which you had all ſeen me exert on other " occaſions; but when I ſaw, at the ſame time, that, if " I conquered my preſent enemy, there were many more " behind, whom I had ſtill to conquer; that, if I happened to be conquered, many honeſt men would fall " both with me and after me; that there were people " enough ready to revenge the Tribun's blood, while the " puniſhment of mine would be left to the forms of a " trial and to poſterity; I reſolved not to employ force " in defending my private ſafety, after I had defended " that of the public without it; and was willing, that " honeſt men ſhould rather lament the ruin of my fortunes, than make their own deſperate by adhering to " me: and if after all I had fallen alone, that would " have been diſhonorable to my ſelf; if amidſt the " ſlaughter of my citizens, fatal to the Republic [z]."

IN another ſpeech; " If in ſo good a cauſe, *ſays he*, " ſupported with ſuch zeal by the Senate; by the concurrence of all honeſt men; by the ready help of all

[z] Poſt red. in Sen. 13, 14.

A. Urb. 695. Cic. 49. Coſſ. L. Calpurnius Piso, A. Gabinius.

" *Italy*; I had given way to the rage of a deſpicable
" Tribun, or feared the levity of two contemptible Con-
" ſuls, I muſt own my ſelf to have been a coward, without
" heart or head----but there were other things which
" moved me. That fury Clodius was perpetually pro-
" claming in his harangues, that what he did againſt me,
" was done by the authority of Pompey, Crassus, and
" Cæsar---that theſe Three were his counſellors in the
" cabinet, his leaders in the field; one of whom had an
" army already in *Italy*, and the other Two could raiſe
" one whenever they pleaſed---What then? Was it my
" part to regard the vain braggs of an enemy, falſly
" thrown out againſt thoſe eminent men? No; it was
" not his talking, but their ſilence, which ſhocked me;
" and though they had other reaſons for holding their
" tongues, yet to one in my circumſtances, their ſaying
" nothing was a declaration; their ſilence a confeſſion:
" they had cauſe indeed to be alarmed on their own
" account, leſt their acts of the year before ſhould be
" annulled by the Prætors and the Senate---many people
" alſo were inſtilling jealouſies of me into Pompey, and
" perpetually admoniſhing him to beware of me---and
" as for Cæsar, whom ſome imagined to be angry with
" me, he was at the gates of the city with an army;
" the command of which he had given to Appius, my
" enemy's brother----When I ſaw all this, which was
" open and manifeſt to every body; what could I do?---
" When Clodius declared in a public ſpeech, that I
" muſt either conquer twice, or periſh---ſo that neither
" my victory, nor my fall would have reſtored the peace
" of the Republic [*a*].

Clodius,

[*a*] Pro Sextio. 16,—18, 19.

CLODIUS, having ſatiated his revenge upon CICERO, propoſed another law, not leſs violent and unjuſt, *againſt* PTOLEMY, *King of* Cyprus; *to deprive him of his kingdom, and reduce it to a* Roman *province, and confiſcate his whole eſtate.* This Prince was *brother to the King of* Ægypt, *and reigning by the ſame right of hereditary ſucceſſion; in full peace and amity with* Rome; *accuſed of no practices, nor ſuſpected of any deſigns againſt the Republic*; whoſe onely crime was to be rich and covetous; ſo that the law was an unparallelled act of injuſtice, and what CICERO, in a public ſpeech, did not ſcruple to call a mere *robbery* [*b*]. But CLODIUS had an old grudge to the King, *for refuſing to ranſom him, when he was taken by the Pirates; and ſending him onely the contemptible ſumm of two talents* [*c*]: *and what*, ſays CICERO, *muſt other Kings think of their ſecurity, to ſee their crowns and fortunes at the diſpoſal of a Tribun and ſix hundred mercenaries* [*d*]*?* The law paſſed however without any oppoſition; and to ſanctify it, as it were, and give it the better face and color of juſtice, CATO *was charged with the execution of it:* which gave CLODIUS a double pleaſure, by impoſing ſo ſhameful a taſk upon the graveſt man in *Rome.* It was a part likewiſe of the ſame law, as well as of CATO's commiſſion, *to reſtore certain exiles of Byzantium, whom their city had driven out for crimes againſt the public peace* [*e*]. The engaging CATO in ſuch

A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

[*b*] Qui cum lege nefaria Ptolemæum, Regem Cypri, fratrem Regis Alexandrini, eodem jure regnantem, cauſa incognita, publicaſſes, populumque Romanum ſcelere obligaſſes: cum in ejus regnum, bona, fortunas, latrocinium hujus imperii immiſiſſes, cujus cum patre, avo, majoribus, ſocietas nobis & amicitia fuiſſet.—Pro Dom. 8.

Rex amicus, nulla injuria commemorata, nullis repetitis rebus, cum bonis omnibus publicaretur. Pro Sext. 26. De quo nulla unquam ſuſpicio durior. Ibid. 27.

[*c*] Dio. 38. p. 78. Appian. l. 2. 441.

[*d*] En! cur cæteri Reges ſtabilem eſſe fortunam ſuam arbitrentur, cum — videant, per Tribunum aliquem & ſexcentas operas ſe fortunis ſpoliari, & regno omni poſſe nudari? Pro Sext. 27.

[*e*] Hujus pecuniæ deportandæ, &, ſi quis ſuum jus defenderet, bello gerendo Catonem præfeciſti.

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dirty work was a maſter-piece, and ſerved many purpoſes of great uſe to Clodius: firſt, *to get rid of a troubleſome adverſary for the remainder of his magiſtracy*: ſecondly, *to fix a blot on* Cato *himſelf*, and ſhew, that the moſt rigid pretenders to virtue might be caught by a proper bait: thirdly, *to ſtop his mouth for the future, as he openly bragged, from clamoring againſt extraordinary commiſſions*: fourthly, *to oblige him, above all, to acknowledge the Validity of his acts, by his ſubmitting to bear a part in them* [*f*]. The Tribun had the ſatisfaction to ſee Cato taken in his trap; and received *a congratulatory letter upon it from* Cæsar, addreſſed to him in the familiar ſtile, of Cæsar *to* Clodius; which *he read publicly to the people, as a proof of the ſingular intimacy between them* [*g*]. *King* Ptolemy, in the mean while, *as ſoon as he heard of the law, and of* Cato's *approach towards* Cyprus, *put an end to his life by poyſon*; unable to bear the diſgrace of loſing at once both his crown and his wealth. Cato executed his commiſſion with great fidelity; and returned the year following, in a kind of triumph to *Rome, with all the King's effects reduced into money, amounting to about a million and a half ſterling; which he delivered with great Pomp into the public treaſury* [*h*].

This

præfeciſti.——Pro Dom. 8.

At etiam eo negotio M. Catonis ſplendorem maculare voluerunt. Pro Sext. 28.

Tu una lege tuliſti, ut Cyprius Rex—cum bonis omnibus ſub præcone ſubjiceretur, & exules Byzantium reducerentur. Eidem, inquit, utraque de re negotium dedi. Pro Dom. 20.

[*f*] Sub honorificentiſſimo miniſterii titulo M. Catonem a rep. relegavit. [Vell. P. 2. 45.] Non illi ornandum M. Catonem, ſed relegandum putaverunt: qui in concione palam dixerint, linguam ſe evelliſſe Catoni, quæ ſemper contra extraordinarias poteſtates libera fuiſſet.—Quod ſi ille repudiaſſet, dubitatis quin ei vis eſſet allata, cum omnia acta illius anni per illum unum labefactari viderentur?—Pro Sext. 28, 29.

Gratulari tibi, quod idem in poſterum M. Catonem, tribunatu tuo removiſſes. Pro Dom. 9.

[*g*] Litteras in concione recitaſti, quas tibi a C. Cæſare miſſas eſſe diceres. Cæsar Pulchro. Cum etiam es argumentatus, amoris eſſe hoc ſignum, cum nominibus tantum uteretur. Ib.

[*h*] Plutarch—Cato. Flor. 3. 9.

THIS proceding was ſeverely condemned by CICERO; A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS. tho' he touches it in his public ſpeeches with ſome tenderneſs for the ſake of CATO; whom he labors to clear from any ſhare of the iniquity: "The Commiſſion, "*ſays he*, was contrived, not to adorn, but to baniſh "CATO; not offered, but impoſed upon him----Why "did he then obey it? Juſt as he has ſworn to obey other "laws, which he knew to be unjuſt, that he might not "expoſe himſelf to the fury of his enemies, and without "doing any good, deprive the Republic of ſuch a Citi-"zen.----If he had not ſubmitted to the law, he could "not have hindered it; the ſtain of it would ſtill have "ſtuck upon the Republic, and he himſelf ſuffered vio-"lence for rejecting it; ſince it would have been a pre-"cedent for invalidating all the other acts of that year: "he conſidered therefore, that ſince the ſcandal of it "could not be avoided, he was the perſon the beſt qua-"lified to draw good out of evil, and to ſerve his country "well, tho' in a bad cauſe [*i*]." But howſoever this may color, it cannot juſtify CATO's conduct; who valued himſelf highly upon *his* Cyprian *tranſactions*; and for the ſake of that commiſſion was drawn in, as CLODIUS expected, to ſupport the authority from which it flowed, and to maintain *the legality of* CLODIUS's *Tribunate, in ſome warm debates even with* CICERO *himſelf* [*k*].

AMONG the other laws made by CLODIUS, there was one likewiſe *to give relief to the private members of Corporate Towns, againſt the public injuries of their communities*. The purpoſe of it was ſpecious, but the real deſign, to ſkreen a creature of his own, one MERULA, *of Anagnia*, who had been puniſhed or driven from his city

[*i*] Pro Sext. 28, 29. [*k*] Plut. in Cato. Dio. l. 39. 100.

A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

city for ſome notorious villainies, and who, in return for this ſervice, erected a ſtatue to his patron, on part of the area of CICERO's houſe, and inſcribed it *to* CLODIUS, *the author of ſo excellent a law.* But as CICERO told him afterwards in one of his ſpeeches, *the place itſelf where the ſtatue ſtood, the ſcene of ſo memorable an injury, confuted both the excellency of the law and the inſcription* [*l*].

BUT it is time for us to look after CICERO in his flight; who left *Rome* about the end of *March*; for *on the eighth of April* we find him at *Vibo*; a Town in the moſt ſouthern part of *Italy*; where he ſpent ſeveral days with a friend, named SICA: here he received the copy of the law made againſt him; which after ſome alteration and correction fixed the limits of his exil *to the diſtance of four hundred miles from* Italy [*m*]. His thoughts had hitherto been wholly bent on *Sicily*; but when he was arrived within ſight of it, *the Prætor* C. VIRGILIUS *ſent him word, that he muſt not ſet his foot in it.* This was a cruel ſhock to him; and the firſt taſt of the miſery of diſgrace; *that an old friend, who had been highly obliged to him* [*n*], of the ſame party and principles, ſhould refuſe him ſhelter in a calamity, which he had drawn upon himſelf by his ſervices to the Republic; ſpeaking of it afterwards, when it was not his buſineſs to treat it ſeverely, " See, *ſays he*, " the horror of theſe times; when all *Sicily* was com- " ing out to meet me, the Prætor, who had often felt " the

[*l*] Legem de injuriis publicis tuliſti, Anagnino neſcio cui Merulæ per gratiam, qui tibi ob eam legem ſtatuam tibi in meis ædibus poſuit; ut locus ipſe in tua tanta injuria legem & inſcriptionem Statuæ refelleret. Quæ res Anagninis multo majori dolori fuit, quam quæ idem ille gladiator ſcelera Anagniæ fecerat. Pro Dom. 30.

[*m*] Allata eſt nobis rogatio de pernicie mea, in qua quod correctum eſt, audieramus eſſe ejuſmodi, ut mihi ultra quadringenta millia liceret eſſe — ſtatim iter Brundiſium verſus contuli—ne & Sica, apud quem eram, periret.— Ad Att. 3, 4.

[*n*] Plutarch. in Cicero.

" the rage of the ſame Tribun, and in the ſame cauſe, A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.
" would not ſuffer me to come into the iſland. What
" ſhall I ſay? That VIRGILIUS, ſuch a citizen, and ſuch
" a man, had loſt all benevolence, all remembrance of
" our common ſufferings, all his piety, humanity, and
" faith towards me? No ſuch thing: he was afraid,
" how he ſhould ſingly ſuſtain the weight of that ſtorm,
" which had overpowered our joint forces [*o*]."

THIS unexpected repulſe from *Sicily* obliged him to change his route, and turn back again towards *Brundiſium*, in order to paſs into *Greece:* he left *Vibo* therefore, that he might not expoſe his Hoſt SICA to any danger, for entertaining him; expecting to find no quiet, till he could remove himſelf beyond the bounds preſcribed by the law. But in this he found himſelf miſtaken; for all the Towns on his road received him with the moſt public marks of reſpect; inviting him to take up his quarters with them; and guarding him, as he paſſed through their territories, with all imaginable honor and ſafety to his perſon. He avoided however as much as poſſible all public places; and when he came *to* Brundiſium, *would not enter into the City, tho' it expreſſed the warmeſt zeal for his ſervice, and offered to run all hazards in his defenſe* [*p*].

IN this interval, he was preſſing ATTICUS in every letter, and in the moſt moving terms, *to come to him*; and when

[*o*] Siciliam petivi animo, quæ & ipſa erat mihi, ſicut domus una, conjuncta; & obtinebatur a Virgilio: quocum me uno vel maxime tum vetuſta amicitia, tum mei fratris collegia, tum Reſpub. ſociarat. Vide nunc caliginem temporum illorum. Cum ipſa pæne inſula mihi ſeſe obviam ferre vellet, Prætor ille ejuſdem Tribuni pleb. concionibus propter eandem Reipub. cauſam ſæpe vexatus, nihil amplius dico, niſi me in Siciliam venire noluit, &c.— Pro Cn. Planc. 40.

[*p*] Cum omnia illa Municipia, quæ ſunt a Vibone Brundiſium, in fide mea eſſent, iter mihi tutum, multis minitantibus, magno cum ſuo metu præſtiterunt. Brundiſium veni, vel potius ad mœnia acceſſi. Urbem unam mihi amiciſſimam declinavi, quæ ſe vel potius exſcindi, quam e ſuo complexu ut eriperer facile pateretur. Ibid. 41.

A. Urb. 695. Cic. 49. Coſſ. L. Calpurnius Piso, A. Gabinius.

when he removed from *Vibo*, gave him dayly intelligence of all his ſtages, that he might know ſtill where to find him; taking it for granted, *that he would not fail to follow him* [q]. But Atticus ſeems to have given him no anſwer on this head, nor to have had any thoughts of ſtirring from *Rome:* he was perſuaded perhaps, that his Company abroad could be of no other uſe to him, than to give ſome little relief to his preſent chagrin; whereas his continuance in the City might be of the greateſt; not onely in relieving, but removing his calamity, and procuring his reſtoration: or we may imagin, what his character ſeems to ſuggeſt, that tho' he had a greater love for Cicero, than for any man, yet it was always with an exception, of not involving himſelf in the diſtreſs of his friend, or diſturbing the tranquillity of his life by taking any ſhare of another's miſery; and that he was following onely the dictates of his temper and principles, in ſparing himſelf a trouble, which would have made him ſuffer more, than his philoſophy could eaſily bear. But whatever was the cauſe, it gave a freſh mortification to Cicero; who, in a letter upon it, ſays, *I made no doubt, but that I ſhould ſee you at* Tarentum *or* Brundiſium: *it would have been convenient for many reaſons; and above all, for my deſign of ſpending ſome time with you in* Epirus, *and regulating all my meaſures by your advice: but ſince it has not happened, as I wiſhed, I ſhall add this alſo, to the great number of my other afflictions* [r]. He was now

[q] Sed te oro, ut ad me Vibonem ſtatim venias.—Si id non feceris mirabor, ſed confido te eſſe facturum. Ad Att. 3. 1.

Nunc, ut ad te antea ſcripſi, ſi ad nos veneris, conſilium totius rei capiemus. Ibid. 2.

Iter Brundiſium verſus contuli——nunc tu propera, ut nos conſequare, ſi modo recipiemur. Adhuc invitamur benigne. Ibid. 3.

Nihil mihi optatius cadere poſſe, quam ut tu me quam primum conſequare. Ibid. 4.

[r] Non fuerat mihi dubium, quin te Tarenti aut Brundiſii viſurus eſſem: idque ad multa pertinuit; in eis, & ut in Epiro conſiſteremus, & de reliquis rebus tuo conſilio uteremur.

now lodged in *the Villa of* M. LENIUS FLACCUS, not far from the walls of *Brundiſium*; where he arrived on *the ſeventeenth of April*, and on the laſt of the ſame Month embarked for *Dyrrhachium*. In his account of himſelf to his wife, *I ſpent thirteen days*, ſays he, *with* FLACCUS, *who for my ſake ſlighted the riſk of his fortunes and life; nor was deterred by the penalty of the law from performing towards me all the rights of friendſhip and hoſpitality: I wiſh, that it may ever be in my power to make him a proper return; am ſure, that I ſhall always think myſelf obliged to do it* [*s*]. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

DURING his ſtay with FLACCUS, he was in no ſmall perplexity about the choice of a convenient place for his reſidence abroad: ATTICUS *offered him his houſe in* Epirus; *which was a caſtle of ſome ſtrength, and likely to afford him a ſecure retreat.* But ſince ATTICUS could not attend him thither in perſon, he dropt all thoughts of that, and was inclined to go to *Athens*; till he was informed that it would be dangerous for him to travel *into that part of* Greece; *where all thoſe who had been baniſhed for* CATILINE's *conſpiracy, and eſpecially* AUTRONIUS, *then reſided; who would have had ſome comfort in their exil, to revenge themſelves on the author of their miſery, if they could have caught him* [*t*].

uteremur. Quoniam id non contigit, erit hoc quoque in magno numero noſtrorum malorum. ——Ibid. 6.

[*s*] In hortos M. Lenii Flacci me contuli: cui cum omnis metus, publicatio bonorum, exilium, mors proponeretur, hæc perpeti, ſi acciderent, maluit, quam cuſtodiam mei capitis dimittere.——Pro Plancio. 41.

Nos Brundiſii apud M. Lenium Flaccum dies XIII. fuimus, virum optimum: qui periculum fortunarum & capitis ſui præ mea ſalute neglexit: neque legis improbiſſimæ pœna deductus eſt, quo minus hoſpitii & amicitiæ jus, officiumque præſtaret. Huic utinam gratiam aliquando referre poſſimus; habebimus quidem ſemper.—Ep. fam. 14. 4.

[*t*] Quod me rogas & hortaris, ut apud te in Epiro ſim; voluntas tua mihi valde grata eſt.——Sed itineris cauſa ut diverterem, primum eſt devium; deinde ab Autronio & cæteris quatridui; deinde ſine te. Nam caſtellum munitum habitanti mihi prodeſſet, tranſeunti non eſt neceſſarium. Quod ſi auderem, Athenas peterem: ſane ita cadebat ut vellem. Nunc & noſtri hoſtes ibi ſunt, & te non habemus.——Ad Att. 3. 7.

A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

PLUTARCH tells us, *that in ſailing out of* Brundiſium, *the wind, which was fair, changed of a ſudden, and drove him back again; and when he paſſed over to* Dyrrhachium *in the ſecond attempt, that there happened an Earthquake and a great ſtorm immediately after his landing; from which the Soothſayers foretold, that his ſtay abroad would not be long.* But it is ſtrange, that a writer, ſo fond of prodigies, which no body elſe takes notice of, ſhould omit the ſtory of CICERO's *dream*, which was more to his purpoſe, and is related by CICERO *himſelf*; "That "in one of the ſtages of his flight, being lodged in the "Villa of a friend, after he had lain reſtleſs and wake-"full a great part of the night, he fell into a ſound "ſleep near break of day, and when he awaked about "eight in the morning, told his dream to thoſe round "him: That as hé ſeemed to be wandering diſconſolate "in a lonely place, C. MARIUS, with his Faſces wreathed "with laurel, accoſted him, and demanded, why he "was ſo melancholy; and when he anſwered, that he "was driven out of his country by violence; MARIUS "took him by the hand, and bidding him be of courage, "ordered the next Lictor to conduct him into his mo-"nument; telling him, that there he ſhould find ſafe-"ty: upon this the company preſently cried out, that "he would have a quick and glorious return [*u*]." All which was exactly fullfilled; for his reſtoration was decreed in *a certain Temple, built by* MARIUS, and, for that reaſon, called MARIUS's *Monument*; where the Senate happened to be aſſembled on that occaſion [*x*].

THIS

[*u*] De Divin. 1. 28. Val. Max. 1. 7.

[*x*] *Valerius Maximus* calls this monument of *Marius, the Temple of Jupiter*; but it appears from *Cicero*'s account to have been the Temple of *Honor* and *Virtue*.

THIS dream was much talked of in the family, and CICERO himſelf, in that ſeaſon of his dejection, ſeemed to be pleaſed with it; and on the firſt news, *of the decree's paſſing in* MARIUS's *Monument*, declared, *that nothing could be more divine:* yet in diſputing afterwards on the nature of dreams, he aſſerts them all to be *vain and fantaſtical, and nothing elſe, but the imperfect traces, and confuſed impreſſions, which our waking thoughts leave upon the mind; that, in his flight therefore, as it was natural for him to think much upon his countryman* MARIUS, *who had ſuffered the ſame calamity; ſo that was the cauſe of his dreaming of him; and that no old woman could be ſo ſilly, as to give any credit to dreams, if, in the infinite number and variety of them, they did not ſometimes happen to hit right* [y]. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

WHEN he came to *Dyrrhachium*, he found confirmed, what he had heard before in *Italy, that* Achaia *and the neighbouring parts of* Greece *were poſſeſſed by thoſe Rebels, who had been driven from* Rome *on* CATILINE's *account.* This determined him to go into *Macedonia, before they could be informed of his arrival*, where his friend CN. PLANCIUS was then *Quæſtor; who no ſooner heard of his landing, than he came to find him* at *Dyrrhachium*; where, out of regard to his preſent circumſtances, and the privacy, which he affected, *diſmiſſing his officers, and laying aſide all the pomp of Magiſtracy, he conducted him with the obſervance of a private companion, to his head quarters at* Theſſalonica, *about the twenty firſt of* May.

[y] Maximeque reliquiæ earum rerum moventur in animis, & agitantur, de quibus vigilantes aut cogitavimus aut egimus. Ut mihi temporibus illis multum in animo Marius verſabatur, recordanti, quam ille gravem ſuum caſum magno animo, quam conſtanti tuliſſet. Hanc credo cauſam de illo ſomniandi fuiſſe. De Divin. 2. 67.

An tu cenſes ullam Anum tam deliram futuram fuiſſe, ut ſomniis crederet, niſi iſta caſu nonnunquam fortè temere concurrerent? Ib. 68. Vid. Somn. Scipion. init.

A. Urb. 695. Cic. 49. Coſſ. L. Calpurnius Piso, A. Gabinius.

L. Appuleius was *the Prætor or chief Governor* of the Province: but *tho' he was an honeſt man, and* Cicero's *friend, yet he durſt not venture to grant him his protection, or ſhew him any public civility*, but contented himſelf *with conniving onely at what his Quæſtor* Plancius *did* [z].

While Cicero ſtaid at *Dyrrhachium*, he received two expreſſes from *his Brother* Quintus, who was now coming home from *Aſia*, to inform him of his intended route, and to ſettle the place of their meeting: Quintus's deſign was, to paſs from *Epheſus* to *Athens*, and thence by land through *Macedonia*; and to have an interview with his Brother at *Theſſalonica:* but the news, which he met with at *Athens*, obliged him to haſten his journey towards *Rome*, where the faction were preparing to receive him *with an impeachment, for the male-adminiſtration of his Province:* nor had Cicero at laſt reſolution enough to ſee him; *being unable to bear the tenderneſs of ſuch a meeting, and much more, the miſery of parting*; and he was apprehenſive beſides, *that if they once met, they ſhould not be able to part at all*, whilſt Quintus's preſence at home was neceſſary to their common intereſts: *ſo that to avoid one affliction, he was forced*, he ſays, *to endure another moſt cruel one*, that *of ſhunning the embraces of a Brother* [a].

L. Tubero

[z] Quo cum veniſſem cognovi, id quod audieram, refertam eſſe Græciam ſceleratiſſimorum hominum ac nefariorum.—Qui antequam de meo adventu audire potuiſſent, in Macedoniam ad Planciumque perrexi—nam ſimulac me Dyrrhachium attigiſſe audivit, ſtatim ad me lictoribus dimiſſis, inſignibus abjectis, veſte mutata profectus eſt.—Theſſalonicam me in Quæſtoriumque perduxit. Pro Plancio. 41. Poſt red. in Sen. 14.

Hic ego nunc de Prætore Macedoniæ nihil dicam amplius, niſi eum & civem optimum ſemper & mihi amicum fuiſſe, ſed eadem timuiſſe quæ cæteros. Pro Plan. ib.

[a] Quintus Frater cum ex Aſia veniſſet ante Kalend. Mai. & Athenas veniſſet idib. valde fuit ei properandum, ne quid abſens acciperet calamitatis, ſi quis forte fuiſſet, qui contentus noſtris malis non eſſet. Itaque eum malui properare Romam, quam ad me venire: & ſimul, dicam enim quod verum eſt,—animum inducere non potui, ut aut illum amantiſſimum mei, molliſſimo animo tanto in mœrore aſpicerem—atque etiam illud timebam, quod profecto accidiſſet, ne a me digredi non poſſet.—— Hujus acerbitatis eventum altera acerbitate non videndi fratris vitavi. Ad Att. 3. 9. Ad Quin. Fra. 1. 3.

L. TUBERO however, *his Kinſman, and one of his Brother's Lieutenants*, paid him a viſit on his return towards *Italy*, and acquainted him, with what he had learnt in paſſing through *Greece, that the baniſhed Conſpirators, who reſided there, were actually forming a plot to ſeize and murther him; for which reaſon, he adviſed him to go into* Aſia; *where the zeal and affection of the Province would afford him the ſafeſt retreat, both on his own and his Brother's account* [*b*]. CICERO was diſpoſed to follow this advice and leave *Macedonia*; for *the Prætor* APPULEIUS, tho' a friend, gave him no encouragement to ſtay; and *the Conſul* PISO, his enemy, was coming to the command of it the next winter: *but all his friends at* Rome *diſſuaded his removal to any place more diſtant from them*; and PLANCIUS treated him ſo affectionately, and contrived to make all things ſo eaſy to him, that he dropt the thoughts of changing his quarters. PLANCIUS *was in hopes that* CICERO *would be recalled with the expiration of his Quæſtorſhip, and that he ſhould have the honor of returning with him to* Rome, to reap the fruit of his fidelity, not onely from CICERO's gratitude, but the favor of the Senate and People [*c*]. The onely inconvenience, that CICERO found in his preſent ſituation, was the number of ſoldiers and concourſe of people, who frequented the place on account of buſineſs with *the Quæſtor*. For he was ſo ſhocked and dejected by his misfortune,

A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

[*b*] Cum ad me L. Tubero, meus neceſſarius, qui Fratri meo legatus fuiſſet, decedens ex Aſia veniſſet, eaſque inſidias, quas mihi paratas ab exulibus conjuratis audierat, animo amiciſſimo detuliſſet. In Aſiam me ire, propter ejus provinciæ mecum & cum fratre meo neceſſitudinem.—Pro Planc. 41.

[*c*] Plancius, homo officioſiſſimus, me cupit eſſe ſecum & adhuc retinet—ſperat poſſe fieri, ut mecum in Italiam decedat. — Ep. fam. 14. 1.

Longius, quum ita vobis placet, non diſcedam. — Ibid. 2.

Me adhuc Plancius liberalitate ſua retinet—ſpes homini eſt injecta, non eadem, quæ mihi, poſſe nos una decedere: quam rem ſibi magno honori ſperat fore. Ad Att. 3. 22.

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misfortune, that, tho' *the Cities of* Greece *were offering their ſervices and compliments, and ſtriving to do him all imaginable honors* [*d*], yet he refuſed to ſee all company, *and was ſo ſhy of the public, that he could hardly endure the light* [*e*].

FOR it cannot be denied, that, in this calamity of his exil, he did not behave himſelf with that firmneſs, which might reaſonably be expected from one, who had born ſo glorious a part in the Republic; conſcious of his integrity, and ſuffering in the cauſe of his country: for his letters are generally filled with ſuch lamentable expreſſions of grief and deſpair, that his beſt friends, and even *his wife* was forced to admoniſh him ſometimes, *to rouſe his courage* [*f*], *and remember his former character.* ATTICUS was conſtantly putting him in mind of it; and ſent him word of a report, that was brought to *Rome* by one of CRASSUS's freedmen, *that his affliction had diſordered his ſenſes:* to which he anſwered; *that his mind was ſtill ſound, and wiſhed onely, that it had been always ſo, when he placed his confidence on thoſe, who perfidiouſly abuſed it to his ruin* [*g*].

BUT theſe remonſtrances did not pleaſe him; he thought them unkind and unſeaſonable, as he intimates in ſeveral of his letters, where he expreſſes himſelf very movingly on this ſubject. " As to your chiding me, *ſays he*, ſo " often and ſo ſeverely, for being too much dejected; " what

[*d*] Plut. in Cicer.

[*e*] Odi enim celebritatem, fugio homines, lucem aſpicere vix poſſum. Ad Att. 3. 7.

[*f*] Tu quod me hortaris, ut animo ſim magno, &c. Ep. fam. 14. 4.

[*g*] Nam quod ſcribis te audire, me etiam mentis errore ex dolore affici: mihi vero mens integra eſt; atque utinam tam in periculo fuiſſet, cum ego iis, quibus ſalutem meam cariſſimam eſſe arbitrabar, inimiciſſimis, crudeliſſimiſque uſus ſum. Ad Att. 3. 13.

Accepi quatuor epiſtolas a te miſſas; unam, qua me objurgas, ut ſim firmior; alteram, qua Craſſi libertum ais tibi de mea ſollicitudine macieque narraſſe. Ibid. 15.

" what miſery is there, I pray you, ſo grievous, which A. Urb. 695.
" I do not feel in my preſent calamity? Did any man Cic. 49.
" ever fall from ſuch a heighth of dignity, in ſo good a Coſſ. L. CALPURNIUS PISO,
" cauſe, with the advantage of ſuch talents, experience, A. GABINIUS.
" intereſt; ſuch ſupport of all honeſt men? Is it poſ-
" ſible for me to forget what I was? or not to feel what
" I am? From what honor, what glory I am driven?
" From what children? what fortunes? what a bro-
" ther? whom, tho' I love and have ever loved better
" than my ſelf, yet, (that you may perceive, what a
" new ſort of affliction I ſuffer) I refuſed to ſee; that
" I might neither augment my own grief by the ſight
" of his, nor offer my ſelf to him thus ruined, whom
" he had left ſo floriſhing: I omit many other things
" intolerable to me: for I am hindered by my tears:
" tell me then, whether I am ſtill to be reproached for
" grieving; or for ſuffering my ſelf rather to be deprived
" of what I ought never to have parted with, but with
" my life; which I might eaſily have prevented, if ſome
" perfidious friends had not urged me to my ruin
" within my own walls, &c. [*b*]." In another letter;
" Continue, *ſays he*, to aſſiſt me, as you do, with your
" endeavours, your advice, and your intereſt; but ſpare
" your ſelf the pains of comforting, and much more of
" chiding me: for when you do this, I cannot help
" charging it to your want of love and concern for me;
" whom I imagine to be ſo afflicted with my misfortune,
" as to be inconſolable even yourſelf [*i*]."

HE

[*b*] Ad Att. 3. 10.

[*i*] Tu me, ut facis, opera, conſilio, gratia juva: conſolari jam deſine: objurgare vero noli: quod cum facis, ego tuum amorem & dolorem deſidero; quem ita affectum mea ærumna eſſe arbitror, ut te ipſum nemo conſolari poteſt. Ibid. 11.

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He was now indeed attacked in his weakeſt part; the only place, in which he was vulnerable: to have been as great in affliction, as he was in proſperity, would have been a perfection, not given to man: yet this very weakneſs flowed from a ſource, which rendered him the more amiable in all the other parts of life; and the ſame tenderneſs of diſpoſition, which made him love his friends, his children, his country more paſſionately than other men, made him feel the loſs of them more ſenſibly: "I have twice, *ſays he*, ſaved the Republic; once, with "glory; a ſecond time, with miſery: for I will never "deny myſelf to be a man; or brag of bearing the "loſs of a brother, children, wife, country, without "ſorrow.----For what thanks had been due to me for "quitting what I did not value [*k*]? In another ſpeech; "I own my grief to have been extremely great; nor do "I pretend to that wiſdom, which thoſe expected from "me, who gave out, that I was too much broken by "my affliction: for ſuch a hardneſs of mind, as of body, "which does not feel pain, is a ſtupidity, rather than a "virtue.----I am not one of thoſe, to whom all things "are indifferent; but love my ſelf and my friends, as our "common humanity requires; and he, who, for the "public good, parts with what he holds the deareſt, "gives the higheſt proof of love to his country [*l*]."

THERE

[*k*] Unus bis Rempub. ſervavi, ſemel gloria, iterum ærumna mea. Neque enim in hoc me hominem eſſe inficiabor unquam; ut me optimo fratre, cariſſimis liberis, fideliſſima conjuge, veſtro conſpectu, patria, hoc honoris gradu ſine dolore caruiſſe glorier. Quod ſi feciſſem, quod a me beneficium haberetis, cum pro vobis ea, quæ mihi eſſent vilia, reliquiſſem? Pro Sext. 22.

[*l*] Accepi magnum atque incredibilem dolorem: non nego: neque iſtam mihi aſciſco ſapientiam, quam nonnulli in me requirebant, qui me animo nimis fracto & afflicto eſſe loquebantur——eamque animi duritiem, ſicut corporis, quod cum uritur non ſentit, ſtuporem potius, quam virtutem putarem——non tam ſapiens quam ii, qui nihil curant, ſed tam amans tuorum ac tui, quam communis humanitas poſtulat——qui autem ea relinquit Reipub. cauſa, a quibus ſummo cum dolore divellitur, ei patria cara eſt. Pro Dom. 36. 37.

THERE was another conſideration, which added no ſmall ſting to his affliction; to reflect, as he often does, not onely on what he had loſt, but how he had loſt it, *by his own fault*; in ſuffering himſelf to be impoſed upon and deluded *by falſe and envious friends*. This he frequently touches upon in a ſtrain, which ſhews, that it galled him very ſeverely: *Tho' my grief*, ſays he, *is incredible, yet I am not diſturbed ſo much by the miſery of what I feel, as the recollection of my fault.-----Wherefore when you hear how much I am afflicted, imagine that I am ſuffering the puniſhment of my folly, not of the event; for having truſted too much to one, whom I did not take to be a Raſcal* [*m*]. It muſt needs be cruelly mortifying to one of his temper; nicely tender of his reputation, and paſſionately fond of glory; to impute his calamity to his own blunders, and fancy himſelf the dupe of men not ſo wiſe as himſelf: yet after all, it may reaſonably be queſtioned, whether his inquietude of this ſort was not owing rather to the jealous and querulous nature of affliction itſelf, than to any real foundation of truth: for ATTICUS would never allow *his ſuſpicions to be juſt*, not even againſt HORTENSIUS, where they ſeemed to lie the heavieſt [*n*]. This is the ſubſtance of what CICERO himſelf ſays, *to excuſe the exceſs of his grief*; and the onely excuſe indeed, which can be made for him; that he did not pretend to be *a Stoic*, nor aſpire to the character of *a Hero:*

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[*m*] Etſi incredibili calamitate afflictus ſum, tamen non tam eſt ex miſeria, quam ex culpæ noſtræ recordatione—quare cum me afflictum & confectum luctu audies, exiſtimato me ſtultitiæ meæ pœnam ferre gravius, quam eventi; quod ei crediderim, quem nefarium eſſe non putarim.——Ad Att. 3. 8. vid. 9, 14, 15, 19, &c.

[*n*] Nam quod purgas eos, quos ego mihi ſcripſi invidiſſe, & in eis Catonem: ego vero tantum illum puto a ſcelere iſto abfuiſſe, ut maxime doleam plus apud me ſimulationem aliorum, quam iſtius fidem valuiſſe. Cæteri, quos purgas, debent mihi purgati eſſe, tibi ſi ſunt.——Ibid. 15.

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Hero: yet we ſee ſome writers laboring to defend him even againſt himſelf; and endeavouring to perſuade us, *that all this air of dejection and deſpair was wholly feigned and aſſumed*, for the ſake of moving compaſſion, and engaging his friends to exert themſelves the more warmly, in ſolliciting his reſtoration; leſt his affliction ſhould deſtroy him, before they could effect it [*o*].

WHEN he had been gone a little more than *two Months*, his friend NINNIUS, *the Tribun, made a motion in the Senate to recall him, and repeal the law of* CLODIUS; to which the whole houſe readily agreed, with *eight of the Tribuns*, till one of the other two, ÆLIUS LIGUS, *interpoſed his negative:* they proceded however to a reſolution, *that no other buſineſs ſhould be tranſacted, till the Conſuls had actually prepared a new law for that purpoſe* [*p*]. About the ſame time, QUINTUS CICERO, who left *Aſia* on the firſt of *May*, arrived at *Rome*; and was received with great demonſtrations of reſpect, *by perſons of all ranks, who flocked out to meet him* [*q*]. CICERO ſuffered an additional anxiety on his account, leſt *the Clodian Cabal*, by means of the impeachment, which they threatened, ſhould be able to expell him too: eſpecially, ſince CLODIUS's *Brother*, APPIUS, *was the Prætor, whoſe lot it was to ſit on thoſe trials* [*r*]. But CLODIUS was now loſing ground apace; being grown ſo inſolent, on

[*o*] Abſens potius ſe dolere ſimulavit, ut ſuos, quod diximus, magis commoveret: & præſens item ſe doluiſſe ſimulavit, ut vir prudentiſſimus, ſcenæ, quod aiunt, ſerviret.—— Corradi. Queſtura. p. 291.

[*p*] Decrevit Senatus frequens de meo reditu Kal. Jun. diſſentiente nullo, referente L. Ninnio—interceſſit Ligus iſte neſcio qui, additamentum inimicorum meorum.——Omnia Senatus rejiciebat, niſi de me primum Conſules retuliſſent. Pro Sext. 31.

Non multo poſt diſceſſum meum me univerſi revocaviſtis referente L. Ninnio. Poſt red. in Sen. 2.

[*q*] Huic ad urbem venienti tota obviam civitas cum lacrymis, gemituque proceſſerat. Pro Sext. 31.

[*r*] Mihi etiam unum de malis in metu eſt, fratris miſeri negotium.—Ad Att. 3. 8.

De Quinto Fratre nuntii nobis triſtes—ſane ſum in meo infinito mœrore ſollicitus, & eo magis, quod Appii quæſtio eſt.—Ibid. 17.

on his late ſucceſs, that even his friends could not bear him any longer: for having baniſhed CICERO, and ſent CATO out of his way, he began to fancy himſelf a match for POMPEY; by whoſe help, or connivance at leaſt, he had acquired all his power; and, in open defiance of him, ſeized by ſtratagem into his hands the ſon of *King* TIGRANES, whom POMPEY had brought with him from the eaſt, and kept a priſoner at *Rome*, in the cuſtody of FLAVIUS *the Prætor*; and inſtead of delivering him up, when POMPEY demanded him, undertook, for a large ſumm of money, *to give him his liberty and ſend him home*. This however did not paſs without a ſharp engagement between him and FLAVIUS, *who marched out of* Rome, *with a body of men well armed, to recover* TIGRANES *by force: but* CLODIUS *proved too ſtrong for him; and killed a great part of his company, and among them* PAPIRIUS, *a* Roman *Knight of* POMPEY's *intimate acquaintance, while* FLAVIUS *alſo himſelf had ſome difficulty to eſcape with life* [*s*]. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

THIS affront rouſed POMPEY, to think *of recalling* CICERO; as well to correct the arrogance of CLODIUS, as to retrieve his credit, and ingratiate himſelf with the Senate and People: he dropt ſome hints of his inclination to CICERO's *friends*, and particularly to ATTICUS, who preſently gave him part of the agreeable news: upon which CICERO, tho' he had no opinion *of* POMPEY's *ſincerity*,

[*s*] Me expulſo, Catone amandato, in eum ipſum ſe convertit, quo auctore, quo adjutore, in concionibus ea, quæ gerebat, omnia, quæque geſſerat, ſe feciſſe & facere dicebat. Cn. Pompeium — diutius furori ſuo veniam daturum non arbitrabatur. Qui ex ejus cuſtodia per inſidias Regis amici filium, hoſtem captivum ſurripuiſſet; & ea injuria virum fortiſſimum laceſſiſſet. Speravit iiſdem ſe copiis cum illo poſſe confligere, quibuſcum ego noluiſſem bonorum periculo dimicare.—Pro Dom. 25.

Ad quartum ab urbe lapidem pugna facta eſt: in qua multi ex utraque parte ceciderunt; plures tamen ex Flavii, inter quos M. Papirius, Eques Romanus, publicanus, familiaris Pompeio. Flavius ſine comite Romam vix perfugit. Aſcon. in Milon. 14.

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was encouraged to write to him; *and ſent a copy of his letter to* ATTICUS, telling him at the ſame time, *that if* POMPEY *could digeſt the affront, which he had received in the caſe of* TIGRANES, *he ſhould deſpair of his being moved by any thing* [*t*]. VARRO likewiſe, who had a particular intimacy with POMPEY, *deſired* ATTICUS *to let* CICERO *know, that* POMPEY *would certainly enter into his cauſe as ſoon as he heard from* CÆSAR, *which he expected to do every day*. This intelligence, from ſo good an author, raiſed CICERO's hopes, till finding no effects of it for a conſiderable time, he began to apprehend, *that there was either nothing at all in it, or that* CÆSAR's *anſwer was averſe, and had put an end to it* [*u*]. The fact however ſhews, what an extraordinary deference POMPEY paid to CÆSAR, that he would not take a ſtep in this affair at *Rome*, without ſending firſt to *Gaul*, to conſult him about it.

THE City was alarmed at the ſame time, by the rumor *of a ſecond plot againſt* POMPEY's *life*, ſaid to be contrived by CLODIUS; *one of whoſe ſlaves was ſeized at the door of the Senate, with a dagger, which his maſter had given him, as he confeſſed, to ſtab* POMPEY: which, being accompanied with many daring attacks on POMPEY's perſon by CLODIUS's mob, made him reſolve, *to retire from the Senate and the Forum, till* CLODIUS *was out of his Tribunate,*

[*t*] Sermonem tuum & Pompeii cognovi ex tuis literis. Motum in Repub. non tantum impendere video, quantum tu aut vides, aut ad me conſolandum affers.——Tigrane enim neglecto ſublata ſunt omnia.——Literarum exemplum, quas ad Pompeium ſcripſi, miſi tibi.——Ad Att. 3. 8.

Pompeium etiam ſimulatorem puto. Ad Quint. Fra. 1. 3.

Ex literis tuis plenus ſum expectatione de Pompeio, quidnam de nobis velit, aut oſtendat.——Si tibi ſtultus eſſe videor, qui ſperem, facio tuo juſſu. Ad Att. 3. 14.

[*u*] Expectationem nobis non parvam attuleras, cum ſcripſeras Varronem tibi pro amicitia confirmaſſe, cauſam noſtram Pompeium certe ſuſcepturum; & ſimul a Cæſare literæ, quas expectaret, remiſſæ eſſent, auctorem etiam daturum. Utrum id nihil fuit, an adverſatæ ſunt Cæſaris literæ? Ibid. 18.

bunate, and ſhut himſelf up in his own houſe, whither he was ſtill purſued and actually beſieged by one of CLODIUS's *freedmen,* DAMIO. An outrage ſo audacious could not be overlooked by the Magiſtrates, who came out with all their forces, *to ſeize or drive away* DAMIO; upon which a general engagement enſued, where GABINIUS, as CICERO ſays, *was forced to break his league with* CLODIUS, *and fight for* POMPEY; *at firſt faintly and unwillingly, but at laſt heartily; while* PISO, *more religious, ſtood firm to his contract, and fought on* CLODIUS's *ſide, till his Faſces were broken, and he himſelf wounded, and forced to run away* [x]. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

WHETHER any deſign was really formed *againſt* POMPEY's *life*, or the ſtory was contrived to ſerve his preſent views, it ſeems probable at leaſt, that his fears were feigned, and the danger too contemptible, to give him any juſt apprehenſion; but the ſhutting himſelf up at home made an impreſſion upon the vulgar, and furniſhed a better pretence for turning ſo quick upon CLODIUS, and quelling that inſolence, which he himſelf had raiſed: for this was the conſtant tenor of his politics, to give a free courſe to the public diſorders, for the ſake of diſplaying his own importance to more advantage; that when the ſtorm was at the heighth, he might appear at laſt in the Scene, like a Deity of the Theater, and reduce all again to order; expecting ſtill, that the people, tired

[x] Cum hæc non poſſent diutius jam ſuſtinere, initur conſilium de interitu Cn. Pompeii: quo patefacto, ferroque deprehenſo, ille incluſus domi tamdiu fuit, quamdiu inimicus meus in Tribunatu. Pro Sext. 32.

Deprehenſus denique cum ferro ad Senatum is, quem ad Cn. Pompeium interimendum collocatum fuiſſe conſtabat.—In Piſon. 12.

Cum tamen—Gabinius collegit ipſe ſe vix: & contra ſuum Clodium, primum ſimulate; deinde non libenter; ad extremum tamen pro Cn. Pompeio vere, vehementerque pugnavit.—Tu tamen homo religioſus & ſanctus, fœdus frangere noluiſti—itaque in illo tumultu fracti faſces, ictus ipſe, quotidie tela, lapides, fugæ.—Ibid.

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tired and haraſſed by theſe perpetual tumults, would be forced *to create him Dictator*, for ſettling the quiet of the City.

THE Conſuls elect were P. CORNELIUS LENTULUS, and Q. METELLUS NEPOS: the firſt was CICERO's *warm friend*, the ſecond *his old enemy*; the ſame, who put that affront upon him on laying down his Conſulſhip: his promotion therefore was a great diſcouragement to CICERO, who took it for granted, that he would employ all his power to obſtruct his return; and reflected, as he tells us, *that, tho' it was a great thing to drive him out, yet, as there were many who hated, and more, who envied him, it would not be difficult to keep him out* [y]. But METELLUS, perceiving which way POMPEY's inclination, and CÆSAR's alſo was turning, found reaſon to change his mind, or at leaſt to diſſemble it; and promiſed, not onely to give his conſent, but his aſſiſtance *to* CICERO's *reſtoration*. His Collegue, LENTULUS, in the mean while, was no ſooner elected, than he revived the late motion of NINNIUS, and propoſed a vote, to recall CICERO; and when CLODIUS interrupted him *and recited that part of his law, which made it criminal, to move any thing about it*, LENTULUS declared it to be no law, but *a mere proſcription*, and act of violence [z]. This alarmed CLODIUS, and obliged him to exert all his arts, to ſupport the validity of the law; he threatened ruin and deſtruction to all, who ſhould dare to oppoſe it; and to imprint the greater terror, *fixed up on the doors of the Senate-houſe, that clauſe which prohibited all men to ſpeak or*

[y] Inimici ſunt multi, invidi pene omnes. Ejicere nos magnum fuit, excludere facile eſt. Ep fam. 14. 3.

[z] Cum a Tribuno pleb. vetaretur, cum præclarum caput recitaretur, ne quis ad vos referret —— totam illam, ut ante dixi, proſcriptionem, non legem putavit.—— Poſt red. in Sen. 4.

or act in any manner for CICERO*'s return, on pain of being treated as enemies.* This gave a farther diſquiet to CICERO, leſt it ſhould diſhearten his active friends, and furniſh an excuſe to the indolent, *for doing nothing*: he inſinuates therefore to ATTICUS, what might be ſaid to obviate it, *that all ſuch clauſes were onely bugbears, without any real force; or otherwiſe, no law could ever be abrogated; and whatever effect this was intended to have, that it muſt needs fall of courſe with the law itſelf* [*a*]. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

IN this anxious ſtate of his mind, jealous of every thing that could hurt, and catching at every thing that could help him, another little incident happened, which gave him a freſh cauſe of uneaſineſs: for ſome of his enemies had publiſhed *an invective Oration*, drawn up by him for the entertainment onely of his intimate friends, againſt ſome eminent Senator, not named, but generally ſuppoſed to be CURIO, *the Father*, who was now diſpoſed and engaged to ſerve him: he was ſurpriſed and concerned, *that the oration was made public*; and his inſtructions upon it to ATTICUS are ſomewhat curious; and ſhew how much he was ſtruck with the apprehenſion, of loſing ſo powerfull a friend. *You have ſtunned me*, ſays he, *with the news of the Oration's being publiſhed: heal the wound, as you promiſe, if you poſſibly can: I wrote it long ago in anger, after he had firſt written againſt me; but had ſuppreſſed it ſo carefully, that I never dreamt of its getting abroad, nor can imagine how it ſlipt out: but ſince, as fortune would have it, I never had a word with him in perſon, and it is written more negligently, than my*

[*a*] Tute ſcripſiſti, quoddam caput legis Clodium in Curiæ poſte fixiſſe, ne referri, neve dici liceret. — Ad Att. 3. 15.

Sed vides nunquam eſſe obſervatas ſanctiones earum legum, quæ abrogarentur. Nam ſi id eſſet, nulla fere abrogari poſſet:—ſed cum lex abrogatur, illud ipſum abrogatur, quo non eam abrogari oporteat.—Ibid. 23.

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my other orations uſually are; I cannot but think that you may diſown it, and prove it not to be mine: pray take care of this, if you ſee any hopes for me; if not, there is the leſs reaſon to trouble my ſelf about it [b].

HIS principal Agents and Sollicitors at *Rome* were his *Brother* QUINTUS, his *Wife* TERENTIA, his *Son in law* PISO, ATTICUS, and SEXTIUS. But the Brother and the Wife, being both of them naturally peeviſh, ſeem to have given him ſome additional diſquiet, by their mutual complaints againſt each other; which obliged him to admoniſh them gently in his letters, *that ſince their friends were ſo few, they ought to live more amicably among themſelves* [c].

TERENTIA however bore a very conſiderable part of the whole affair; and inſtead of being daunted by the depreſſion of the family, and the ruin of their fortunes, ſeems to have been animated rather the more to withſtand the violences of their enemies, and procure her huſband's reſtoration. But one of CICERO's letters to her in theſe unhappy circumſtances will give the cleareſt view of her character, and the ſpirit, with which ſhe acted.

" CICERO to TERENTIA.

" Do not imagine, that I write longer Letters to any " one than to you, unleſs it be when I receive a long one " from ſomebody elſe, which I find my ſelf obliged to " anſwer. For I have nothing either to write, nor in my " preſent ſituation employ my ſelf on any thing that is " more

[b] Percuſſiſti autem me de Oratione prolata: cui vulneri, ut ſcribis, medere, ſi quid potes. Scripſi equidem olim iratus, quod ille prior ſcripſerat; ſed ita compreſſeram, ut nunquam manaturam putarem. Quo modo exciderit nefcio. Sed quia nunquam accidit, ut cum eo verbo uno concertarem; & quia ſcripta mihi videtur negligentius, quam cæteræ, puto poſſe probari non eſſe meam. Id, ſi putas me poſſe ſanari, cures velim: ſin plane perii, minus laboro. Ad Att. 3. 12.

[c] De Quinto fratre nihil ego te accuſavi, ſed vos, cum præſertim tam pauci eſtis, volui eſſe quam conjunctiſſimos. Ep. fam. 14. 1.

" more troubleſome to me; and when it is to you and A. Urb. 695.
" our dear TULLIOLA, I cannot write without a flood of Cic. 49. Coſſ.
" tears. For I ſee you the moſt wretched of women, L. CALPURNIUS PISO,
" whom I wiſhed always to ſee the happieſt, and ought A. GABINIUS.
" to have made ſo; as I ſhould have done, if I had not
" been ſo great a Coward. I am extremely ſenſible of
" PISO's ſervices to us; have exhorted him, as well as
" I could, and thanked him as I ought. Your hopes,
" I perceive, are in the new Tribuns: that will be ef-
" fectual, if POMPEY concur with them: but I am afraid
" ſtill of CRASSUS. You do every thing for me, I ſee,
" with the utmoſt courage and affection: nor do I wonder
" at it; but lament our unhappy fate, that my miſeries
" can onely be relieved by your ſuffering ſtill greater:
" for our good friend P. VALERIUS wrote me word,
" what I could not read without burſting into tears,
" how you were dragged from the Temple of VESTA
" to the *Valerian Bank.* Alaſs, my light, my darling,
" to whom all the world uſed to ſue for help! that you,
" my dear TERENTIA, ſhould be thus inſulted; thus op-
" preſſed with grief and diſtreſs! and that I ſhould be
" the cauſe of it; I, who have preſerved ſo many others,
" that we ourſelves ſhould be undone! As to what you
" write about the houſe, that is, about the area; I ſhall
" then take my ſelf to be reſtored, when that ſhall be
" reſtored to us. But thoſe things are not in our power.
" What affects me more nearly is, that when ſo great an
" expenſe is neceſſary, it ſhould all lie upon you, who
" are ſo miſerably ſtript and plundered already. If we
" live to ſee an end of theſe troubles, we ſhall repair
" all the reſt. But if the ſame fortune muſt ever de-
" preſs us, will you throw away the poor remains, that

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" are left for your ſubſiſtence? For God's ſake, my dear " life, let others ſupply the money, who are able, if they " are willing: and if you love me, do nothing that can " hurt your health, which is already ſo impaired. For " you are perpetually in my thoughts both day and " night. I ſee that you decline no ſort of trouble; but " am afraid how you will ſuſtain it. Yet the whole " affair depends on you. Pay the firſt regard therefore " to your health, that we may attain the end of all your " wiſhes, and your labors. I know not whom to write " to, except to thoſe, who write to me, or of whom you " ſend me ſome good account. I will not remove to a " greater diſtance, ſince you are againſt it; but would " have you write to me as often as poſſible, eſpecially " if you have any hopes, that are well grounded. " Adieu, my dear love, adieu. The 5th of *October* " from *Theſſalonica*."

TERENTIA had a particular eſtate of her own, not obnoxious to CLODIUS's law, which ſhe was now offering to ſale, for a ſupply of their preſent neceſſities: this is what CICERO refers to, where he intreats her not to throw away the ſmall remains of her fortunes; which he preſſes ſtill more warmly in another letter, putting her in mind, *that if their friends did not fail in their duty, ſhe could not want money; and if they did, that her own would do but little towards making them eaſy: he implores her therefore not to ruin the boy; who, if there was any thing left to keep him from want, would, with a moderate ſhare of virtue and good fortune, eaſily recover the reſt* [*d*]. The

[*d*] Tantum ſcribo, ſi erunt in officio amici, pecunia non deerit, ſi non erunt, tu efficere tua pecunia non poteris. Per fortunas miſeras noſtras, vide ne puerum perditum perdamus: cui ſi aliquid erit, ne egeat, mediocri virtute opus eſt, & mediocri fortuna, ut cætera conſequatur. Ibid.

The ſon in law, PISO, was extremely affectionate and dutifull in performing all good offices both to his baniſhed Father and the family; *and reſigned the Quæſtorſhip of* Pontus *and* Bithynia, on purpoſe to ſerve them the more effectually by his preſence in *Rome:* CICERO makes frequent acknowledgement of his kindneſs and generoſity; PISO's *humanity, virtue, and love for us all is ſo great,* ſays he, *that nothing can excede it: the Gods grant, that it may one day be a pleaſure, I am ſure it will always be an honor to him* [*e*]. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

ATTICUS likewiſe ſupplied them liberally with money: he had already furniſhed CICERO, for the exigences of his flight, with *above* 2000 *pounds*; and upon ſucceding to the great eſtate of *his uncle* CÆCILIUS, *whoſe name he now aſſumed, made him a freſh offer of his purſe* [*f*]: yet his conduct did not wholly ſatisfy CICERO; who thought him *too cold and remiſs in his ſervice; and fancied, that it flowed from ſome ſecret reſentment, for having never received from him, in his floriſhing condition, any beneficial proofs of his friendſhip:* in order therefore

[*e*] Qui Pontum & Bithyniam Quæſtor pro mea ſalute neglexit.—Poſt red. in Sen. 15.

Piſonis humanitas, virtus, amor in nos omnes tantus eſt, ut nihil ſupra eſſe poſſit. Utinam ea res ei voluptati ſit, gloriæ quidem video fore. Ep. fam. 14. 1.

[*f*] Ciceroni, ex patria fugienti H. S. ducenta & quinquaginta millia donavit. Corn. Nep. Vit. Att. 4.

Quod te in tanta hereditate ab omni occupatione expediſti, valde mihi gratum eſt. Quod facultates tuas ad meam ſalutem polliceris, ut omnibus rebus a te præter cæteros juver, id quantum ſit præſidium video—Ad Att. 3. 20.

This CÆCILIUS, ATTICUS's uncle, was a famous churl and uſurer, ſometimes mentioned in CICERO's letters, who adopted ATTICUS by his will, and left him three fourths of his eſtate, which amounted to above 80000*l.* ſterling. He had raiſed this great fortune by the favor chiefly of LUCULLUS, whom he flattered to the laſt with a promiſe of making him his heir, yet left the bulk of his eſtate to ATTICUS, who had been very obſervant of his humor: for which fraud, added to his notorious avarice and extortion, the mob ſeized his dead body, and dragged it infamouſly about the ſtreets.—Val. Max. 7. 8. CICERO, congratulating ATTICUS upon his adoption, addreſſes his letter to Q. CÆCILIUS, Q. F. POMPONIANUS, ATTICUS. For in aſſuming the name of the Adopter, it was uſual to add alſo their own family name, tho' changed in its termination from POMPONIUS to POMPONIANUS, to preſerve the memory of their real extraction: to which ſome added alſo the ſurname, as CICERO does in the preſent caſe. Ad Att. 3. 20.

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to rouſe his zeal, he took occaſion to promiſe him, in one of his letters, that whatever reaſon he had to complain on that ſcore, it ſhould all be made up to him, if he lived to return: *If fortune*, ſays he, *ever reſtore me to my country; it ſhall be my ſpecial care, that you, above all my friends, have cauſe to rejoice at it: and though hitherto, I confeſs, you have reaped but little benefit from my kindneſs; I will manage ſo for the future, that whenever I am reſtored, you ſhall find yourſelf as dear to me as my Brother and my Children: If I have been wanting therefore in my duty to you, or rather, ſince I have been wanting, pray pardon me; for I have been much more wanting to my ſelf* [g]. But ATTICUS begged of him to lay aſide all ſuch fancies, and aſſured him, *that there was not the leaſt ground for them; and that he had never been diſguſted by any thing, which he had either done, or neglected to do for him*; entreating him to be perfectly eaſy on that head, and to depend always on his beſt ſervices, without giving himſelf the trouble, *even of reminding him* [h]. Yet after all, the ſuſpicion itſelf, as it comes from one, who knew ATTICUS ſo perfectly, ſeems to leave ſome little blot upon his character: but whatever cauſe there might be for it, it is certain, that CICERO at leaſt was as good as his word, and by the care, which he took after his return, to celebrate ATTICUS's *name* in all his writings, has left the moſt illuſtrious teſtimony to poſterity of his ſincere eſteem and affection for him.

SEXTIUS

[g] Ego, ſi me aliquando veſtri & patriæ compotem fortuna fecerit, certe efficiam, ut maxime lætere unus ex omnibus amicis: meaque officia ac ſtudia, quæ parum antea luxerunt (fatendum eſt enim) ſic exequar, ut me æque tibi ac fratri & liberis noſtris reſtitutum putes. Si quid in te peccavi, ac potius quoniam peccavi, ignoſce: in me enim ipſum peccavi vehementius. Ad Att. 3. 15.

[h] Quod me vetas quicquam ſuſpicari accidiſſe ad animum tuum, quod ſecus a me erga te commiſſum, aut prætermiſſum videretur, geram tibi morem & liberabor iſta cura. Tibi tamen eo plus debeo, quo tua in me humanitas fuerit excelſior, quam in te mea. Ibid. 20.

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SEXTIUS was one *of the Tribuns elect*; and being intirely devoted to CICERO, took the trouble of a journey into *Gaul*, to ſollicit CÆSAR's *conſent to his reſtoration*; which tho' he obtained, as well by his own interceſſion, as by POMPEY's letters, yet it ſeems to have been with certain limitations, not agreeable to CICERO: for on SEXTIUS's return to *Rome*, when he drew up *the copy of a law*, which he intended to propoſe, upon his entrance into office; conformable, as we may imagine, to the conditions ſtipulated with CÆSAR; CICERO *greatly diſliked it*; *as being too general, and without the mention even of his name, nor providing ſufficiently either for his dignity, or the reſtitution of his eſtate*; *ſo that he deſires* ATTICUS *to take care to get it amended by* SEXTIUS [*i*].

THE old Tribuns, in the mean while, *eight of whom were* CICERO's *friends*, reſolved to make one effort more to obtain a law in his favor, which they jointly offered to the people, *on the twenty eighth of October*: but CICERO was much more diſpleaſed with this, than with SEXTIUS's: it conſiſted of three articles; the firſt of which *reſtored him onely to his former rank, but not to his eſtate*: the ſecond was onely matter of form, *to indemnify the propoſers of it*: the third enacted, *that if there was any thing in it, which was prohibited to be promulgated by any former law, particularly by that of* CLODIUS, *or which involved the author of ſuch promulgation in any fine or penalty, that in ſuch caſe it ſhould have no effect*. CICERO was ſurpriſed, *that his friends could be induced to propoſe ſuch an act, which ſeemed to be againſt him,*

[*i*] Hoc interim tempore, P. Sextius, deſignatus iter ad C. Cæſarem pro mea ſalute ſuſcepit. Quid egerit, quantum profecerit, nihil ad cauſam. Pro Sext. 32.

Rogatio Sextii neque dignitatis ſatis habet nec cautionis. Nam & nominatim ferre oportet, & de bonis diligentius ſcribi: & id animadvertas velim. Ad Att. 3. 20.

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him, and to confirm that clauſe of the Clodian law, which made it penal to move any thing for him: whereas no clauſes of that kind had ever been regarded, or thought to have any ſpecial force, but fell of courſe, when the laws themſelves were repealed: he obſerves, *that it was an ugly precedent for the ſucceeding Tribuns, if they ſhould happen to have any ſcruples; and that* CLODIUS *had already taken the advantage of it, when in a ſpeech to the people, on the third of November, he declared, that this act of the Tribuns was a proper leſſon to their ſucceſſors, to let them ſee how far their power extended. He deſires* ATTICUS *therefore to find out, who was the contriver of it, and how* NINNIUS *and the reſt came to be ſo much overſeen, as not to be aware of the conſequences of it* [*k*].

THE moſt probable ſolution of it is, that theſe Tribuns hoped to carry their point with leſs difficulty, by paying this deference to CLODIUS's *law*, the validity of which *was acknowledged by* CATO, *and ſeveral others of the principal Citizens* [*l*]; and they were induced to make this puſh for it, before they quitted their office, from a perſwaſion, that if CICERO was once reſtored, on any terms, or with what reſtrictions ſoever, the reſt would follow of courſe; and that the recovery of his dignity would neceſſarily draw after it every thing elſe, that was wanted: CICERO ſeems to have been ſenſible of it himſelf on ſecond thoughts, as he intimates, in the concluſion of his letter; *I ſhould be ſorry*, ſays he, *to have the new*

[*k*] Quo major eſt ſuſpicio malitiæ alicujus, cum id, quod ad ipſos nihil pertinebat, erat autem contra me, ſcripſerunt. Ut novi Tribuni pleb. ſi eſſent timidiores, multo magis ſibi eo capite utendum putarent. Neque id a Clodio prætermiſſum eſt, dixit enim in concione ad diem III Non. Novemb. hoc capite deſignatis Tribunis pleb. præſcriptum eſſe quid liceret. Ut Ninnium & cæteros fugerit inveſtiges velim, & quis attulerit, &c. Ib. 23.

[*l*] Video enim quoſdam clariſſimos viros, aliquot locis judicaſſe, te cum plebe jure agere potuiſſe. Pro Dom. 16.

new Tribuns inſert ſuch a clauſe in their law; yet let them inſert what they pleaſe, if it will but paſs and call me home, I ſhall be content with it [*m*]. But the onely project of a law which he approved, was drawn by *his Couſin*, C. VISELLIUS ACULEO, an eminent lawyer of that age, for another of the new Tribuns, T. FADIUS, who had been his *Quæſtor*, when he was *Conſul*: he adviſed his friends therefore, *if there was any proſpect of ſucceſs, to puſh forward that law, which intirely pleaſed him* [*n*].

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IN this ſuſpenſe of his affairs at *Rome*, the troops, which PISO had provided for his government of *Macedonia*, began to arrive in great numbers at *Theſſalonica* [*o*]: This greatly alarmed him, and *made him reſolve to quit the place without delay*: and as it was not adviſeable to move farther from *Italy*, he ventured to come ſtill nearer, and turned back again to *Dyrrhachium*: for though this was within the diſtance forbidden to him by law, yet he had no reaſon to apprehend any danger, in a Town particularly devoted to him, and which had always been under *his ſpecial patronage and protection*. He came thither on *the twenty fifth of November*, and gave notice of his removal to his friends at *Rome*, by letters of the ſame date, *begun at* Theſſalonica *and finiſhed at* Dyrrhachium [*p*]: which ſhews the great haſt, which he thought neceſſary, in making this ſudden change of his quarters. Here he received

[*m*] Id caput ſane nolim novos Tribunos pleb. ferre: ſed perferant modo quidlibet: uno capite quo revocabor, modo res conficiatur, ero contentus. Ad Att. 3. 23.

[*n*] Sed ſi eſt aliquid in ſpe, vide legem, quam T. Fadio ſcripſit Viſellius: ea mihi perplacet.—Ibid.

[*o*] Me adhuc Plancius retinet.—Sed jam cum adventare milites dicerentur, faciendum nobis erit, ut ab eo diſcedamus. Ibid. 22.

[*p*] Dyrrhachium veni quod & libera civitas eſt, & in me officioſa. Ep. fam. 14. 1.

Nam ego eo nomine ſum Dyrrhachii, ut quam celerrime quid agatur, audiam, & ſum tuto. Civitas enim hæc ſemper a me defenſa eſt. Ibid. 3.

Quod mei ſtudioſos habeo Dyrrhachinos, ad eos perrexi, cum illa ſuperiora Theſſalonicæ ſcripſiſſem. Ad Att. 3. 22. Fam. 14. 1.

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received another piece of news, which diſpleaſed him; *that with the conſent and aſſiſtance of his managers at* Rome, *the Provinces of the Conſuls elect had been furniſhed with money and troops by a decree of the Senate:* but in what manner it affected him, and what reaſon he had to be uneaſy at it, will be explaned by his own Letter upon it to ATTICUS.

" WHEN you firſt ſent me word, *ſays he*, that the " Conſular Provinces had been ſettled and provided for " by your conſent; though I was afraid leſt it might " be attended with ſome ill conſequence, yet I hoped, " that you had ſome ſpecial reaſon for it, which I could " not penetrate: but having ſince been informed, both " by friends and letters, that your conduct is univerſally " condemned, I am extremely diſturbed at it; becauſe " the little hopes, that were left, ſeem now to be de- " ſtroyed: for ſhould the new Tribuns quarrel with us " upon it, what farther hopes can there be? and they " have reaſon to do ſo; ſince they were not conſulted " in it, tho' they had undertaken my cauſe, and have " loſt by our conceſſion all that influence, which " they would otherwiſe have had over it; eſpecially " when they declare, that it was for my ſake onely, " that they deſired the power of furniſhing out the " Conſuls; not with deſign to hinder them, but to ſe- " cure them to my intereſt; whereas if the Conſuls " have a mind to be perverſe, they may now be ſo " without any riſk; yet let them be never ſo well diſ- " poſed, can do nothing without the conſent of the " Tribuns. As to what you ſay, that, if you had not " agreed to it, the Conſuls would have carried their

" point

" point with the people; that could never have been done againſt the will of the Tribuns: I am afraid therefore that we have loſt by it the affection of the Tribuns; or if that ſtill remains, have loſt at leaſt our hold on the Conſuls. There is another inconvenience ſtill, not leſs conſiderable; for that important declaration, as it was repreſented to me, *that the Senate would enter into nothing, till my affair was ſettled*, is now at an end; and in a caſe not onely unneceſſary, but new and unprecedented: for I do not believe, that the Provinces of the Conſuls had ever before been provided for untill their entrance into office: but having now broken through that reſolution, which they had taken in my cauſe, they are at liberty to procede to any other buſineſs, as they pleaſe. It is not however to be wondered at, that my friends, who were applied to, ſhould conſent to it; for it was hard for any one, to declare openly againſt a motion, ſo beneficial to the Two Conſuls; it was hard, I ſay, to refuſe any thing to LENTULUS, who has always been my true friend; or to METELLUS, who has given up his reſentments with ſo much humanity; yet I am apprehenſive, that we have alienated the Tribuns, and cannot hold the Conſuls: write me word, I deſire you, what turn this has taken, and how the whole affair ſtands; and write with your uſual frankneſs; for I love to know the truth, tho' it ſhould happen to be diſagreeable. The tenth of *December* [*q*]."

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BUT ATTICUS, inſtead of anſwering this letter, or rather indeed before he received it, having occaſion to viſit his eſtate in *Epirus*, took his way thither through *Dyrrhachium*,

[*q*] Ad Att. 3. 24.

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chium, on purpoſe to ſee CICERO, and explane to him in perſon the motives of their conduct. Their interview was but ſhort; and after they parted, CICERO, upon ſome new intelligence, which gave him freſh uneaſineſs ſent another letter after him into *Epirus*, to call him back again: *After you left me*, ſays he, *I received letters from* Rome, *from which I perceive, that I muſt end my days in this calamity; and to ſpeak the truth, (which you will take in good part) if there had been any hopes of my return, you, who love me ſo well, would never have left the City at ſuch a conjuncture: but I ſay no more; leſt I be thought either ungratefull, or deſirous to involve my friends too in my ruin: one thing I beg, that you would not fail, as you have given your word, to come to me, wherever I ſhall happen to be, before the firſt of January* [r].

WHILE he was thus perplexing himſelf with perpetual fears and ſuſpicions, his cauſe was proceding very proſperouſly at *Rome*, and ſeemed to be in ſuch a train, that it could not be obſtructed much longer: for the new Magiſtrates, who were coming on with the new year, were all, except *the Prætor* APPIUS, ſuppoſed to be his friends; while his enemy CLODIUS was ſoon to reſign his office, on which the greateſt part of his power depended: CLODIUS himſelf was ſenſible of the daily decay of his credit, through the ſuperior influence of POMPEY; who had drawn CÆSAR away from him, and forced even GABINIUS to deſert him: ſo that, out of rage and deſpair, and the deſire of revenging himſelf on theſe new and more powerfull enemies, he would willingly have dropt the purſuit of CICERO; or conſented even to recall him,

[r] Ad Att. 3. 25.

him, if he could have perſwaded CICERO's friends and the Senate to join their forces with him againſt the Triumvirate. For this end, *he produced* BIBULUS *and the other Augurs in an Aſſembly of the people, and demanded of them, whether it was not unlawfull to tranſact any public buſineſs, when any of them were taking the Auſpices?* To which they all anſwered in the affirmative. *Then he aſked* BIBULUS, *whether he was not actually obſerving the heavens, as oft as any of* CÆSAR's *laws were propoſed to the people? To which he anſwered in the affirmative: but being produced a ſecond time by the Prætor* APPIUS, *he added, that he took the Auſpices alſo, in the ſame manner, at the time when* CLODIUS's *act of adoption was confirmed by the people:* but CLODIUS, while he gratified his preſent revenge, little regarded how much it turned againſt himſelf; but inſiſted, *that all* CÆSAR's *acts ought to be annulled by the Senate, as being contrary to the Auſpices; and on that condition, declared publicly, that he himſelf would bring back* CICERO, *the guardian of the City, on his own ſhoulders* [s]. A. Urb. 695. Cic. 49. Coſſ. L. CALPURNIUS PISO, A. GABINIUS.

IN the ſame fit of revenge, he fell upon the Conſul GABINIUS; and in an aſſembly of the people, which he called for that purpoſe, *with his head veiled and a little altar and fire before him, conſecrated his whole eſtate.* This had been ſometimes done againſt traiterous Citizens; and when legally performed, had the effect of a confiſcation, by making the place and effects ever after *ſacred and public:* but in the preſent caſe, it was conſidered

[s] Tu tuo præcipitante jam & debilitato Tribunatu, auſpiciorum patronus ſubito extitiſti. Tu M. Bibulum in concione, tu Augures produxiſti. Te interrogante Augures reſponderunt, cum de cœlo ſervatum ſit, cum populo agi non poſſe——tua denique omnis actio poſterioribus menſibus fuit, omnia, quæ C. Cæſar egiſſet, quæ contra auſpicia eſſent acta, per ſenatum reſcindi oportere. Quod ſi fieret, dicebas, te tuis humeris me, cuſtodem urbis, in urbem relaturum. Pro Dom. 15.

A. Urb. 695. Cic. 49. Coſſ. L. Calpurnius Piso, A. Gabinius.

onely as an act of madneſs; and *the Tribun* Ninnius, in ridicule of it, conſecrated Clodius's *eſtate in the ſame form and manner, that whatever efficacy was aſcribed to the one, the other might juſtly challenge the ſame* [t].

But the expected hour was now come, which put an end to his deteſtable Tribunate: it had been uniform and of a piece from the firſt to the laſt; the moſt infamous and corrupt that *Rome* had ever ſeen: there was ſcarce an office beſtowed at home, or any favor granted to a Prince, State, or City abroad, but what he openly ſold to the beſt bidder: *The Poets*, ſays Cicero, *could not feign a Charybdis, ſo voracious as his rapine: he conferred the title of King on thoſe who had it not, and took it away from who had* [u]; and ſold *the rich Prieſthoods of Aſia*, as the Turks are ſaid to ſell the Grecian Biſhopricks, without regarding whether they were full or vacant; of which Cicero gives us a remarkable inſtance. There was *a celebrated Temple of* Cybele, *at* Peſſinuns *in* Phrygia, *where that Goddeſs was worſhipped with ſingular devotion, not onely by all* Aſia, *but* Europe *too; and where the* Roman *Generals themſelves often uſed to pay their vows and make their offerings.* Her Prieſt was in quiet poſſeſſion, without any rival Pretender, or any complaint againſt him; yet Clodius, by a law of the people, granted this Prieſthood to one Brogitarus, a petty Soverein in thoſe parts, to whom he had before given *the title of King: and I ſhall think him a King indeed*, ſays Cicero, *if ever he be able to pay the purchaſe money:*

[t] Tu, tu, inquam, capite velato, concione advocata, foculo poſito bona tui Gabinii conſecrâſti in—quid? exemplo tuo bona tua nonne L. Ninnius—conſecravit? quod ſi, quia ad te pertinet, ratum eſſe negas oportere; ea jura conſtituiſti in præclaro tribunatu tuo, quibus in te converſis, recuſares, alios everteres.——Pro Dom. 47, 48.

[u] Reges, qui erant, vendidit; qui non erant, appellavit—quam denique tam immanem Charybdim poetæ fingendo exprimere potuerunt, quæ tantos exhaurire gurgites poſſet, quantas iſte prædas—exſorbuit? De Haruſp. reſp. 27.

money: but the ſpoils of the Temple were deſtined to that uſe; and would ſoon have been applied to it; if DEIOTARUS, *King of Galatia*, a Prince of noble character, and a true friend to *Rome*, had not defeated the impious bargain, by taking the Temple into his protection, and maintaining the lawfull Prieſt againſt the intruder; nor ſuffering BROGITARUS, *tho' his ſon in law, to pollute or touch any thing belonging to it* [x].

ALL the *ten new Tribuns* had ſolemnly promiſed to ſerve CICERO; yet CLODIUS found means to corrupt Two of them, S. ATILIUS SERRANUS, and NUMERIUS QUINCTIUS GRACCHUS; by whoſe help he was enabled ſtill to make head againſt CICERO's party, and retard his reſtoration ſome time longer: but PISO and GABINIUS, perceiving the ſcene to be opening apace in his favor, and his return to be unavoidable, thought it time to get out of his way, and retire to their ſeveral governments, to enjoy the reward of their perfidy: ſo that they both left *Rome*, with the expiration of their year, and PISO ſet out for *Macedonia*, GABINIUS for *Syria*.

ON *the firſt of January* the new Conſul LENTULUS, after the ceremony of his inauguration, and his firſt duty paid, as uſual, to religion, entered directly into CICERO's

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

[x] Qui accepta pecunia Peſſinuntem ipſum, ſedem domiciliumque Matris Deorum vaſtâris, & Brogitaro, Gallogræco, impuro homini ac nefario—totum illum locum fanumque vendideris. Sacerdotem ab ipſis aris, pulvinaribuſque detraxeris. —— Quæ Reges omnes, qui Aſiam Europamque tenuerunt, ſemper ſumma religione coluerunt —— Quæ Majores noſtri tam ſancta duxerunt, ut — noſtri Imperatores maximis & periculoſiſſimis bellis huic Deæ vota facerent, eaque in ipſo Peſſinunte ad illam ipſam principem aram & in illo loco Fanoque perſolverent. —— Putabo regem, ſi habuerit unde tibi ſolvat.——Nam cum multa regia ſunt in Deiotaro, tum illa maxime, quod tibi nummum nullum dedit.——Quod Peſſinuntem per ſcelus a te violatum, & ſacerdote, ſacriſque ſpoliatum recuperavit.—— Quod cæremonias ab omni vetuſtate acceptas a Brogitaro pollui non ſinit, mavultque generum ſuum munere tuo, quam illud Fanum antiquitate religionis carere.——Ibid. 13. Pro Sext. 26.

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

Cicero's affair, and moved the Senate for his reſtoration [*y*]; while his Collegue Metellus declared, with much ſeeming candor, *that tho'* Cicero *and he had been enemies, on account of their different ſentiments in politics, yet he would give up his reſentments to the authority of the Fathers, and the intereſts of the Republic* [*z*]. Upon which L. Cotta, a perſon of *Conſular* and *Cenſorian* rank, being aſked his opinion the firſt, ſaid, "that nothing had been done againſt Cicero agreeably "to right or law, or the cuſtom of their anceſtors: that "no Citizen could be driven out of the City without a "trial; and that the people could not condemn, nor "even try a man capitally, but in an aſſembly of their "Centuries: that the whole was the effect of violence, "turbulent times, and an oppreſſed Republic: that in "ſo ſtrange a revolution and confuſion of all things, "Cicero had onely ſtept aſide, to provide for his future "tranquillity, by declining the impending ſtorm: and "ſince he had freed the Republic from no leſs danger "by his abſence, than he had done before by his pre-"ſence, that he ought not onely to be reſtored, but to be "adorned with new honors: that what his mad enemy "had publiſhed againſt him, was drawn ſo abſurdly "both in words and ſentiments, that if it had been "enacted in proper form, it could never obtain the force "of a law: that ſince Cicero therefore was expelled by "no law, he could not want a law to reſtore him, but "ought to be recalled by a vote of the Senate.-----"

Pompey,

[*y*] Kalendis Januariis— P. Lentulus Conſul — ſimul ac de ſolemni religione retulit, nihil humanarum rerum ſibi prius, quam de me agendum judicavit. Poſt red. ad Quir. 5.

[*z*] Quæ etiam Collegæ ejus moderatio de me? Qui cum inimicitias ſibi mecum ex Reipub. diſſenſione ſuſceptas eſſe dixiſſet, eas ſe Patribus conſcriptis dixit & temporibus Reipub. permiſſurum.—Pro Sext. 32.

POMPEY, who ſpoke next, having highly applauded what COTTA ſaid, added, "that for the ſake of CICERO's fu-
"ture quiet, and to prevent all farther trouble from the
"ſame quarter, it was his opinion, that the people ſhould
"have a ſhare in conferring that grace, and their con-
"ſent be joined alſo to the authority of the Senate."
After many others had ſpoken likewiſe with great warmth in the defence and praiſe of CICERO, they all came unanimouſly into POMPEY's opinion, and were proceding to make a decree upon it, when SERRANUS, the Tribun, roſe up and put a ſtop to it; not flatly interpoſing his negative, for he had not the aſſurance to do that, againſt ſuch a ſpirit and unanimity of the Senate, but deſiring onely a night's time to conſider of it. This unexpected interruption incenſed the whole aſſembly; ſome reproached, others entreated him; and his Father in law, OPPIUS, threw himſelf at his feet, to move him to deſiſt: but all that they could get from him was a promiſe to give way to the decree the next morning; upon which they broke up. *But the Tribun*, ſays CICERO, *employed the night, not as people fancied he would, in giving back the money, which he had taken, but in making a better bargain, and doubling his price; for the next morning, being grown more hardy, he abſolutely prohibited the Senate from proceding to any act* [*a*]. This conduct of

A. Urb: 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

[*a*] Tum princeps rogatus ſententiam L. Cotta, dixit——Nihil de me actum eſſe jure, nihil more majorum, nihil legibus, &c. Quare me, qui nulla lege abeſſem, non reſtitui lege, ſed Senatus auctoritate oportere.——

Poſt eum rogatus ſententiam Cn. Pompeius, approbata, laudataque Cottæ ſententia, dixit, ſeſe otii mei cauſa, ut omni populari concertatione defungerer, cenſere; ut ad Senatus auctoritatem populi quoque Romani beneficium adjungeretur. Cum omnes certatim, aliuſque alio gravius de mea ſalute dixiſſet, fieretque ſine ulla varietate diſceſſio: ſurrexit Atilius; nec auſus eſt, cum eſſet emptus, intercedere; noctem ſibi ad deliberandum poſtulavit. Clamor Senatus, querelæ, preces, Socer ad pedes abjectus. Ille, ſe affirmare poſtero die moram nullam eſſe facturum. Creditum eſt:

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

of SERRANUS ſurprized CICERO's friends, being not onely perfidious and contrary to his engagements, but highly ungratefull to CICERO; who, *in his Conſulſhip, had been his ſpecial Encourager and Benefactor* [*b*].

THE Senate however, tho' hindered at preſent from paſſing their decree, were too well united, and too ſtrongly ſupported, to be baffled much longer by the artifices of a faction: they reſolved therefore, without farther delay, to propound a law to the people *for* CICERO's *reſtoration*; *and the twenty ſecond of the month was appointed for the promulgation of it.* When the day came, FABRICIUS, one of CICERO's *Tribuns*, marched out with a ſtrong guard, before it was light, to get poſſeſſion of the Roſtra: but CLODIUS was too early for him; and having ſeized all the poſts and avenues of the Forum, was prepared to give him a warm reception: he had purchaſed *ſome Gladiators, for the ſhews of his Ædileſhip*, to which he was now pretending; *and borrowed another band of his Brother* APPIUS; and with theſe well armed, at the head of his ſlaves and dependents, *he attacked* FABRICIUS, *killed ſeveral of his followers, wounded many more, and drove him quite out of the place*; and happening to fall in at the ſame time with CISPIUS, *another Tribun, who was coming to the aid of his Collegue, he repulſed him alſo with a great ſlaughter.* The Gladiators, heated with this taſt of blood, *opened their way on all ſides with their ſwords, in queſt of* QUINTUS CICERO; *whom they met with at laſt, and would certainly have murthered, if by the advantage*

eſt: diſceſſum eſt: illi interea deliberatori merces, interpoſita nocte, duplicata eſt.—— Pro Sext. 34.

Deliberatio non in reddenda, quemadmodum nonnulli arbitrabantur, ſed, ut patefactum eſt, in augenda mercede conſumta eſt. Poſt red. ad Quir. 5.

[*b*] Is Tribunus pleb. quem ego maximis beneficiis Quæſtorem Conſul ornaveram. Ibid.

A. Urb: 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

advantage of the confuſion and darkneſs, he had not hid himſelf under the bodies of his ſlaves and freedmen, who were killed around him; where he lay concealed, till the fray was over. The Tribun Sextius was treated ſtill more roughly, *for being particularly purſued and marked out for deſtruction, he was ſo deſperately wounded, as to be left for dead upon the ſpot; and eſcaped death, onely by feigning it:* but while he lay in that condition, ſuppoſed to be killed, Clodius reflecting, that the murther of a Tribun, whoſe perſon was ſacred, would raiſe ſuch a ſtorm, as might occaſion his ruin, *took a ſudden reſolution, to kill one of his own Tribuns, in order to charge it upon his adverſaries, and ſo balance the account by making both ſides equally obnoxious:* the victim doomed to this ſacrifice was Numerius Quinctius, an obſcure fellow, raiſed to this dignity by the caprice of the multitude, who, to make himſelf the more popular, had aſſumed the ſurname of Gracchus: *but the crafty clown,* ſays Cicero, *having got ſome hint of the deſign, and finding, that his blood was to wipe off the envy of* Sextius's, *diſguiſed himſelf preſently in the habit of a Muleteer, the ſame in which he firſt came to* Rome, *and with a baſket upon his head, while ſome were calling out for* Numerius, *others for* Quinctius, *paſſed undiſcovered by the confuſion of the two names: but he continued in this danger, till* Sextius *was known to be alive; and if that diſcovery had not been made ſooner than one would have wiſhed, tho' they could not have fixed the odium of killing their mercenary where they deſigned it; yet they would have leſſened the infamy of one villainy, by committing another, which all people would have been pleaſed with.* According to the account of this day's Tragedy, *the Tiber and all*

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

the common ſewers were filled with dead bodies, and the blood wiped up with ſponges in the Forum, where ſuch heaps of ſlain had never before been ſeen, but in the civil diſſenſions of Cinna *and* Octavius [c].

Clodius, fluſhed with this victory, *ſet fire with his own hands to the Temple of the Nymphs; where the books of the Cenſors and the public regiſters of the City were kept, which were all conſumed with the Fabric itſelf* [d]. He then attacked the houſes *of* Milo *the Tribun*, and Cæcilius *the Prætor*, with fire and ſword; but was repulſed in both attempts with loſs: Milo *took ſeveral of* Appius's *Gladiators priſoners, who, being brought before the Senate, made a confeſſion of what they knew, and were ſent to jail; but were preſently releaſed by* Serranus [e]. Upon theſe outrages Milo *impeached* Clodius *in form, for the violation of the public peace:* but *the Conſul* Metellus, who had not yet abandoned him, with *the Prætor* Appius, and *the Tribun* Serranus, reſolved to prevent

[c] Princeps rogationis, vir mihi amiciſſimus, Q. Fabricius templum aliquanto ante lucem occupavit.——Cum Forum, Comitium, Curiam multa de nocte armatis hominibus, ac ſervis occupaviſſent, impetum faciunt in Fabricium, manus afferunt, occidunt nonnullos, vulnerant multos: venientem in Forum, virum optimum M. Ciſpium—vi depellunt; cædem in Foro maximam faciunt. Univerſi diſtrictis gladiis in omnibus Fori partibus fratrem meum oculis quærebant, voce poſcebant.——Pulſus e Roſtris in Comitio jacuit, ſeque ſervorum & libertorum corporibus obtexit.——

Multis vulneribus acceptis ac debilitato corpore contrucidato, Sextius, ſe abjecit exanimatus; neque ulla alia re ab ſe mortem, niſi mortis opinione, depulit.——At vero illi ipſi parricidæ——adeo vim facinoris ſui perhorruerant, ut ſi paullo longior opinio mortis Sextii fuiſſet, Gracchum illum ſuum, transferendi in nos criminis cauſa, occidere cogitarint.——Senſit Ruſticulus, non incautus;—mulioni eam penulam arripuit, cum qua primum Romam ad comitia venerit: meſſoria ſe corbe contexit: cum quærerent alii Numerium, alii Quintium, gemini nominis errore ſervatus eſt, atque hoc ſcitis omnes; uſque adeo hominem in periculo fuiſſe, quoad ſcitum ſit, Sextium vivere. Quod niſi eſſet pateſactum paullo citius, quam vellem, &c. Meminiſtis tum, Judices, corporibus civium Tiberim compleri, cloacas referciri, e foro ſpongiis effingi ſanguinem—Lapidationes perſæpe vidimus; non ita ſæpe, ſed nimium tamen ſæpe gladios; cædem vero tantam, tantos acervos corporum exſtructos, niſi forte illo Cinnano atque Octaviano die, quis unquam in Foro vidit?——Pro Sext. 35, 36, 37, 38.

[d] Eum qui Ædem Nympharum incendit, ut memoriam publicam recenſionis, tabulis publicis impreſſam, extingueret.—Pro Mil. 27. Parad. 4. de Haruſp. reſp. 27.

[e] Gladiatores—comprehenſi, in Senatum introducti, confeſſi, in vincula conjecti a Milone, emiſſi a Serrano.——Pro Sext. 39.

prevent any proceſs upon it; *and by their edicts prohibited, either the criminal himſelf to appear, or any one to cite him* [*f*]. Their pretence was, *that the Quæſtors were not yet choſen, whoſe office it was to make the allotment of the Judges; while they themſelves kept back the election*, and were puſhing CLODIUS at the ſame time into *the Ædileſhip*; which would ſcreen him of courſe for one year from any proſecution. MILO therefore, finding it impracticable to bring him to juſtice in the legal method, reſolved to deal with him in his own way, by oppoſing force to force; and for this end purchaſed a band of Gladiators, with which he had daily ſkirmiſhes with him in the ſtreets; and acquired a great reputation of courage and generoſity, *for being the firſt of all the* Romans, *who had ever bought Gladiators, for the defence of the Republic* [*g*].

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THIS obſtruction given to CICERO's return by an obſtinate and deſperate faction, made the Senate onely the more reſolute to effect it: they paſſed *a ſecond vote* therefore, *that no other buſineſs ſhould be done, till it was carried*; and to prevent all farther tumults, and inſults upon the Magiſtrates, ordered the Conſuls, *to ſummon all the people of* Italy, *who wiſhed well to the ſtate, to come to the aſſiſtance and defence of* CICERO [*h*]. This gave new ſpirits to the honeſt Citizens, and drew a vaſt concourſe to *Rome* from all parts of *Italy*, where there was

[*f*] Ecce tibi Conſul, Prætor, Tribunus pleb. nova novi generis edicta proponunt: ne reus adſit, ne citetur.—Pro Sext. 41.

[*g*] Sed honori ſummo Miloni noſtro nuper fuit, quod Gladiatoribus emptis Reipub. cauſa, quæ ſalute noſtra continebatur, omnes P. Clodii conatus furoreſque compreſſit. De Offic. 2. 17.

[*h*] Itaque poſtea nihil vos civibus, nihil ſociis, nihil Regibus reſpondiſtis. Poſt red. in Sen. 3.

Quid mihi præclarius accidere potuit, quam quod illo referente vos decreviſtis, ut cuncti ex omni Italia, qui Rempub. ſalvam vellent, ad me unum——reſtituendum, & defendendum venirent? Ibid. 9.

In una mea cauſa factum eſt, ut literis conſularibus ex S. C. cuncta ex Italia omnes, qui Rempub. ſalvam vellent, convocarentur. Pro Sext. 60.

A. Urb. 696. Cic. 50. Coſſ. not a corporate Town of any note, which did not teſtify its reſpect to CICERO, by ſome public act or monument. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS. POMPEY was at *Capua*, *acting as chief Magiſtrate of his new Colony*; *where he preſided in perſon at their making a decree to* CICERO's *honor*, *and took the trouble likewiſe of viſiting all the other Colonies and chief Towns in thoſe parts*, to appoint them a day of general rendezvous at *Rome*, to aſſiſt at the promulgation of the law [*i*].

LENTULUS, at the ſame time, was entertaining the City *with ſhews and ſtage plays*, in order to keep the people in good humor, whom he had called from their private affairs in the country, to attend the public buſineſs. The ſhews were exhibited *in* POMPEY's *Theater*, while the Senate, for the convenience of being near them, was held in *the adjoining Temple of* HONOR *and* VIRTUE, *built by* MARIUS *out of the Cimbric ſpoils*, and called for that reaſon, MARIUS's *Monument*: here, according to CICERO's *dream*, *a decree now paſſed in proper form for his reſtoration*; when under the joint influence of thoſe Deities, *Honor*, he ſays, *was done to Virtue*; *and the Monument of* MARIUS, *the preſerver of the Empire*, *gave ſafety to his Countryman*, *the defender of it* [*k*].

THE news of this decree no ſooner reached the neighbouring Theater, than the whole aſſembly expreſſed their ſatisfaction *by claps and applauſes*, which they renewed upon the entrance of every Senator; but when *the Conſul* LENTULUS took his place, *they all roſe up*, *and with acclamations*,

[*i*] Qui in colonia nuper conſtituta, cum ipſe gereret Magiſtratum, vim & credulitatem privilegii auctoritate honeſtiſſimorum hominum, & publicis literis conſignavit: princepſque Italiæ totius præſidium ad meam ſalutem implorandam putavit. Poſt red. in Sen. 11.

Hic municipia, coloniaſque adiit: hic Italiæ totius auxilium imploravit. Pro Dom. 12.

[*k*] Cum in Templo Honoris Virtutis, honos habitus eſſet virtuti; Caiique Marii, conſervatoris hujus imperii, monumentum, municipi ejus & Reipub. defenſori ſedem ad ſalutem præbuiſſet. Pro Sext. 54. it. 56.

acclamations, ſtretched out hands, and tears of joy, publicly teſtifyed their thanks to him. But when CLODIUS ventured to ſhew himſelf, they were hardly reſtrained from doing him violence; throwing out reproaches, threats and curſes upon him: ſo that *in the ſhews of Gladiators*, which he could not bear to be deprived of, he durſt not go to his ſeat in the common and open manner, but uſed to ſtart up into it at once, from ſome obſcure paſſage under the benches, which on that account was jocoſely called, *the Appian way*; where he was no ſooner eſpied, than ſo *general a hiſs enſued, that it diſturbed the Gladiators, and frightened their very horſes. From theſe ſignifications*, ſays CICERO, *he might learn the difference between the genuin Citizens of* Rome, *and thoſe packed aſſemblies of the people, where he uſed to domineer; and that the men, who lord it in ſuch aſſemblies, are the real averſion of the City; while thoſe, who dare not ſhew their heads in them, are received with all demonſtrations of honor by the whole people* [*l*].

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WHEN the decree paſſed, the famed *Tragedian*, ÆSOPUS, *who acted*, as CICERO ſays, *the ſame good part in the Republic, that he did upon the ſtage*, was performing the part of TELAMON, *baniſhed from his country*, in one of ACCIUS's plays; where by the emphaſis of his voice, and the change of a word or two in ſome of the lines, he contrived

[*l*] Audito S. C. ore ipſi, atque abſenti ſenatui plauſus eſt ab univerſis datus: deinde, cum Senatoribus ſingulis ſpectatum e Senatu redeuntibus: cum vero ipſe, qui ludos faciebat, Conſul aſſedit: ſtantes, & manibus paſſis gratias agentes, & lacrymantes gaudio, ſuam erga me benevolentiam ac miſericordiam declararunt: at cum ille furibundus veniſſet, vix ſe populus Romanus tenuit.——Pro Sext. 55. Is, cum quotidie Gladiatores ſpectaret, nunquam eſt conſpectus, cum veniret: emergebat ſubito, cum ſub tabulas ſubrepſerat—itaque illa via latebroſa, qua ille ſpectatum veniebat, Appia jam vocabatur: qui tamen quo tempore conſpectus erat, non modo Gladiatores, ſed equi ipſi Gladiatorum repentinis ſibilis extimeſcebant. Videtiſne igitur, quantum inter populum Romanum, & concionem interſit? Dominos concionum omni odio populi notari? Quibus autem conſiſtere in operarum concionibus non liceat, eos omni populi Romani ſignificatione decorari?—Ibid. 59.

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

contrived to turn the thoughts of the audience on Cicero. *What he! who always ſtood up for the Republic! who in doubtfull times ſpared neither life nor fortunes---the greateſt friend, in the greateſt danger---of ſuch parts and talents---O Father---I ſaw his houſes and rich furniture all in flames---O ungratefull* Greeks, *inconſtant people; forgetfull of ſervices!---to ſee ſuch a man baniſhed; driven from his country; and ſuffer him to continue ſo?*----At each of which ſentences there was no end of clapping.------In another Tragedy of the ſame Poet, called *Brutus*, when inſtead of Brutus he pronounced Tullius, *who eſtabliſhed the liberty of his Citizens*; the people were ſo affected, that they called for it again a *thouſand times*. This was the conſtant practice through the whole time of his exil: there was not a paſſage in any play, which could poſſibly be applied to his caſe, but the whole audience preſently catched it up, and by their claps and applauſes loudly ſignified their zeal and good wiſhes for him [*m*].

Though a decree was regularly obtained for Cicero's return, Clodius had the courage and addreſs ſtill to hinder its paſſing into a law: he took all occaſions of haranguing the people againſt it; and when he had filled the Forum with his mercenaries, *uſed to demand of them aloud, contrary to the cuſtom of* Rome, *whether they would*

[*m*] Recenti nuncio de illo S. C. ad ludos, ſcenamque perlato, ſummus Artifex, & mehercule ſemper partium in Repub. tanquam in ſcena, optimatium, flens & recenti lætitia & miſto dolore ac deſiderio mei —— ſummi enim poetæ ingenium non ſolum arte ſua ſed etiam dolore exprimebat.—— *Quid enim? qui Rempub. certo animo adjuverit, ſtatuerit, ſteterit cum Achivis—— re dubia nec dubitarit vitam offerre, nec capiti pepercerit —— ſummum amicum ſummo in bello—— ſummo ingenio præditum ——O Pater—hæc omnia vidi inflammari—— O ingratifici Argivi, inanes Graii, immemores beneficii!—exulare ſinitis, ſiſtis pelli, pulſum patimini*——quæ ſignificatio fuerit omnium, quæ declaratio voluntatis ab univerſo populo Romano?

Nominatim ſum appellatus in *Bruto, Tullius, qui libertatem civibus ſtabiliverat.* Millies revocatum eſt. Pro Sext. 56, 7, 8.

would have CICERO *reſtored or not*; *upon which his emiſ-* A. Urb. 696.
ſaries raiſing a ſort of a dead cry in the negative, he laid Cic. 50.
hold of it, as the voice of the Roman *people, and de-* Coſſ.
clared the propoſal to be rejected [*n*]. But the Senate P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.
aſhamed to ſee their authority thus inſulted, when the whole City was on their ſide, reſolved to take ſuch meaſures in the ſupport of their decrees, that it ſhould not be poſſible to defeat them. LENTULUS therefore ſummoned them *into the Capitol, on the twenty fifth of May*; where POMPEY began the debate, *and renewed the motion for recalling* CICERO; and in a grave and elaborate ſpeech which he had prepared in writing, and delivered from his notes, gave him the honor *of having ſaved his country* [*o*]. All the leading men of the Senate ſpoke after him to the ſame effect; but *the Conſul* METELLUS, notwithſtanding his promiſes, had been acting hitherto a double part; and was all along the chief encourager and ſupporter of CLODIUS: when SERVILIUS therefore roſe up, a perſon of the firſt dignity, who had been honored with a triumph and the Cenſorſhip, he addreſſed himſelf to his kinſman, METELLUS; and *calling up from the dead all the family of the* METELLI, *laid before him the glorious acts of his anceſtors, with the conduct and unhappy fate of his Brother, in a manner ſo moving, that* METELLUS *could not hold out any longer, againſt the force of the ſpeech, nor the authority of the Speaker*;

[*n*] Ille Tribunus pleb. qui de me——non majorum ſuorum, ſed Græculorum inſtituto, concionem interrogare ſolebat, velletne me redire: & cum erat reclamatum ſemivivis mercenariorum vocibus; populum Romanum negare dicebat. Ibid. 59.

[*o*] Idem ille Conſul cum illa incredibilis multitudo Romam, & pæne Italia ipſa veniſſet, vos frequentiſſimos in Capitolium convocavit. [Poſt red. in Sen. 10.] Cum vir is, qui tripartitas Orbis terrarum oras atque regiones tribus triumphis huic imperio adjunctas notavit, de ſcripto ſententia dicta, mihi uni teſtimonium patriæ conſervatæ dedit.——Pro Sext. 61.

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

Speaker; *but, with tears in his eyes, gave himſelf up to* Servilius, *and profeſſed all future ſervices to* Cicero: in which he proved very ſincere, and from this moment aſſiſted his collegue in promoting Cicero's *reſtoration: ſo that in a very full houſe, of four hundred and ſeventeen Senators; when all the Magiſtrates were preſent, the decree paſſed, without one diſſenting voice, but* Clodius's [*p*]: which gave occaſion to Cicero to write a *particular letter of thanks to* Metellus, as he had done once before, upon his firſt declaration for him [*q*].

Some may be apt to wonder, why *the Two Tribuns*, who were Cicero's enemies ſtill as much as ever, did not perſevere to inhibit the decree; ſince the Negative of a ſingle Tribun had an indiſputable force to ſtop all procedings: but when that negative was wholly arbitrary and factious; contrary to the apparent intereſt, and general inclination of the Citizens; if the Tribun could not be prevailed with by gentle means to recall it, the Senate uſed to enter into a debate upon the merit of it, and procede to ſome extraordinary reſolution, of declaring the author of ſuch an oppoſition, *an enemy to his country*; *and anſwerable for all the miſchief, that was likely to enſue*; *or of ordering the Conſuls to take care that the Republic received no detriment*; which votes were thought to juſtify any methods, how violent ſoever,

[*p*] Qu. Metellus, & inimicus & frater inimici perſpecta veſtra voluntate, omnia privata odia depoſuit: quem P. Servilius—& auctoritatis & orationis ſuæ divina quadam gravitate ad ſui generis, communiſque ſanguinis facta, virtuteſque revocavit, ut haberet in conſilio & fratrem ab inferis —— & omnes Metellos, præſtantiſſimos cives——itaque extitit non modo ſalutis defenſor,——verum etiam adſcriptor dignitatis meæ. Quo quidem die, cum vos 417, ex Senatu eſſetis, Magiſtratus autem hi omnes adeſſent, diſſenſit unus—Poſt red. in Sen. 10.

Collacrymavit vir egregius ac vere Metellus; totumque ſe P. Servilio dicenti etiam tum tradidit. Nec illam divinam gravitatem, plenam antiquitatis, diutius——potuit ſuſtinere. Pro Sext. 62.

[*q*] ——Ep. fam. 5. 4.

ever, of removing either the obſtruction, or the author of it; who ſeldom cared to expoſe himſelf to the rage of an inflamed City, headed by the Conſuls and the Senate, and to aſſert his prerogative at the peril of his life.

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

THIS in effect was the caſe at preſent; when the Conſul LENTULUS aſſembled the Senate again the next day, to concert ſome effectual method for preventing all farther oppoſition, and getting the decree enacted into a law: but before they met, he called the people likewiſe *to the Roſtra*; where he, and all the principal Senators, in their turns, repeated to them the ſubſtance of what they had ſaid before in the Senate, in order to prepare them for the reception of the law: POMPEY particularly exerted himſelf, *in extolling the praiſes of* CICERO; declaring, *that the Republic owed its preſervation to him; and that their common ſafety was involved in his; exhorting them to defend and ſupport the decree of the Senate, the quiet of the City, and the fortunes of a man, who had deſerved ſo well of them: that this was the general voice of the Senate; of the Knights; of all* Italy; *and laſtly, that it was his own earneſt, and ſpecial requeſt to them, which he not onely deſired, but implored them to grant* [r]. When the Senate afterwards met, they proceded to ſeveral new and vigorous votes, to facilitate the ſucceſs of the law: firſt, *that no Magiſtrate ſhould preſume to take the Auſpices, ſo as to diſturb the aſſembly of the people, when* CICERO's *cauſe was to come*

[r] Quorum princeps ad rogandos & ad cohortandos vos fuit Cn. Pompeius——primum vos docuit, meis conſiliis Rempub. eſſe ſervatam, cauſamque meam cum communi ſalute conjunxit; hortatuſque eſt, ut auctoritatem Senatus, ſtatum civitatis, fortunas civis bene meriti defenderetis: tum in perorando poſuit, vos rogari a Senatu, rogari ab Equitibus, rogari ab Italia cuncta: denique ipſe ad extremum pro mea vos ſalute non rogavit ſolum, verum etiam obſecravit.——Poſt red. ad Quir. 7.

A. Urb. 696. Cic. 50. Coſſ. *before them: and that if any one attempted it, he ſhould be treated as a public enemy.*

P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS. Secondly, *That, if through any violence or obſtruction, the law was not ſuffered to paſs, within the five next legal days of aſſembly,* CICERO *ſhould then be at liberty to return, without any farther authority.*

Thirdly, *That public thanks ſhould be given to all the people of* Italy, *who came to* Rome *for* CICERO's *defence; and that they ſhould be deſired to come again, on the day when the ſuffrages of the people were to be taken.*

Fourthly, *That thanks ſhould be given likewiſe to all the States and Cities, which had received and entertained* CICERO; *and that the care of his perſon ſhould be recommended to all foreign nations in alliance with them; and that the* Roman *Generals, and all who had command abroad, ſhould be ordered to protect his life and ſafety* [*s*].

ONE cannot help pauſing a while, to reflect on the great Idea, which theſe facts imprint of the character and dignity of CICERO; to ſee ſo vaſt an Empire in ſuch a ferment on his account, *as to poſtpone all their concerns and intereſt, for many months ſucceſſively, to the ſafety of a ſingle Senator* [*t*]; who had no other means of exciting the zeal, or engaging the affections of his Citizens, but the genuin force of his perſonal virtues, and

[*s*] Quod eſt poſtridie decretum in curia—ne quis de cœlo ſervaret; ne quis moram ullam afferret; ſi quis aliter feciſſet, eum plane everſorem Reipub. fore.—

Addidit, ſi diebus quinque quibus agi de me potuiſſet, non eſſet actum, redirem in patriam omni auctoritate recuperata.

Ut iis, qui ex tota Italia ſalutis meæ cauſa convenerant, agerentur gratiæ: atque iidem ad res redeuntes, ut venirent, rogarentur.

Quem enim unquam Senatus civem, niſi me, nationibus exteris commendavit? cujus unquam propter ſalutem niſi meam, Senatus publice Sociis populi Romani gratias egit? De me uno P. C. decreverunt, ut qui provincias cum imperio obtinerent, qui Quæſtores Legatique eſſent, ſalutem & vitam meam cuſtodirent. Pro Sext. 60. 61.

[*t*] Nihil vos civibus, nihil ſociis, nihil Regibus reſpondiſtis. Nihil Judices ſententiis, nihil populus ſuffragiis, nihil hic Ordo auctoritate declaravit: mutum Forum, elinguem curiam, tacitam & fractam civitatem videbatis.—Poſt red. in Sen. 3.

and the merit of his eminent ſervices: as if the Republic itſelf could not ſtand without him, but muſt fall into ruins, if he, the main pillar of it, was removed; whilſt the greateſt Monarchs on earth, who had any affairs with the people of *Rome*, were looking on, to expect the event, *unable to procure any anſwer or regard to what they were ſoliciting, till this affair was decided:* PTOLEMY, *the King of* Egypt, was particularly affected by it; who, being driven out of his Kingdom, came to *Rome* about this time, to beg help and protection againſt his rebellious ſubjects; but though he was lodged *in* POMPEY's *houſe*, it was not poſſible for him to get an audience till CICERO's cauſe was at an end.

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

THE law, now prepared for his reſtoration, was to be offered to *the Suffrage of the Centuries:* this was the moſt ſolemn and honorable way of tranſacting any public buſineſs, where the beſt and graveſt part of the City had the chief influence; and where *a decree of the Senate* was previouſly neceſſary to make the act valid: but in the preſent caſe, there ſeem to have been *four or five ſeveral decrees*, provided at different times, which had all been fruſtrated by the intrigues of CLODIUS and his friends, till theſe laſt votes proved deciſive and effectual [*u*]. CICERO's reſolution upon them was, *to wait till the law ſhould be propoſed to the people; and, if by the artifices of his enemies it ſhould then be obſtructed, to come away directly upon the authority of the Senate; and rather hazard his life, than bear the loſs of his country any longer* [*x*]. But the vigor of the late debates had

[*u*] Vid. Pro Sext. 60. & Notas Manutii ad 61.

[*x*] Mihi in animo eſt legum lationem expectare, & ſi obtrectabitur, utar auctoritate Senatus, & potius vita quam patria carebo. Ad Att. 3. 26.

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

ſo diſcouraged the chiefs of the faction, that they left Clodius ſingle in the oppoſition: Metellus dropt him, and his brother Appius was deſirous to be quiet [*y*]; yet it was above two months ſtill from the laſt decree, before Cicero's friends could bring the affair to a general vote; which they effected at laſt *on the fourth of* Auguſt.

There had never been known ſo numerous and ſolemn an aſſembly of the *Roman* people as this: all *Italy* was drawn together on the occaſion: *it was reckoned a kind of ſin to be abſent; and neither age nor infirmity was thought a ſufficient excuſe for not lending a helping hand to the reſtoration of* Cicero: all the Magiſtrates exerted themſelves in recommending the law, excepting Appius *and the two Tribuns*, who durſt not venture however to oppoſe it: the meeting was held in *the field of* Mars, for the more convenient reception of ſo great a multitude; where *the Senators divided among themſelves the taſk of preſiding in the ſeveral Centuries, and ſeeing the poll fairly taken:* the reſult was, *that* Cicero *was recalled from exil, by the unanimous ſuffrage of all the Centuries*, and to the infinite joy of the whole City [*z*].

Clodius however had the hardineſs, not onely to appear, *but to ſpeak in this aſſembly againſt the law; but no body regarded or heard a word that he ſaid:* he now found the difference mentioned above, between a free convention

[*y*] Redii cum maxima dignitate, fratre tuo altero Conſule reducente, altero Prætore petente. Pro Dom. 33.

[*z*] Quo die quis civis fuit, qui non nefas eſſe putaret, quacunque aut ætate aut valitudine eſſet, non ſe de ſalute mea ſententiam ferre? Poſt red. in Sen. 11.

Nemo ſibi nec valitudinis excuſationem nec ſenectutis ſatis juſtam putavit. Pro Sext. 52.

De me cum omnes Magiſtratus promulgaſſent, præter unum Prætorem, a quo non erat poſtulandum, fratrem inimici mei, præterque duos de lapide emptos Tribunos plebis—nullis comitiis unquam multitudinem hominum tantam, neque ſplendidiorem fuiſſe—— vos rogatores, vos diſtributores, vos cuſtodes fuiſſe tabularum.——In Piſon. 15.

convention of the *Roman* people, and thoſe mercenary aſſemblies, where a few deſperate Citizens, headed by ſlaves and gladiators, uſed to carry all before them: *where now*, ſays CICERO, *were thoſe Tyrants of the Forum, thoſe haranguers of the mob, thoſe diſpoſers of kingdoms?*-----This was one of the laſt genuin Acts of *free Rome*; one of the laſt efforts of public liberty, exerting itſelf to do honor to its patron and defender: for the union of the Triumvirate had already given it a dangerous wound; and their diſſenſion, which not long after enſued, intirely deſtroyed it.

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

BUT it gave ſome damp to the joy of this glorious day, that CICERO's *Son in law*, PISO, happened to die not long before it, to the extreme grief of the family; without reaping the fruits of his Piety, and ſharing the pleaſure and benefit of CICERO's return. His praiſes however will be as immortal as CICERO's writings, from whoſe repeated character of him we learn, *that for parts, probity, virtue, modeſty; and for every accompliſhment of a fine Gentleman and fine Speaker, he ſcarce left his equal behind him, among all the young Nobles of that age* [*a*].

CICERO had reſolved to come home, in virtue of the *Senate's decree*, whether the law had paſſed or not; but perceiving from the accounts of all his friends, that it could not be defeated any longer, he embarked for *Italy on the fourth of Auguſt*; the very day on which it was enacted;

[*a*] Piſo ille gener meus, cui pietatis ſuæ fructum, neque ex me, neque a populo Romano ferre licuit. Pro Sext. 31.

Studio autem neminem nec induſtria majore cognovi; quanquam ne ingenio quidem qui præſtiterit, facile dixerim, C. Piſoni, genero meo. Nullum illi tempus vacabat, aut a forenſi dictione, aut a commentatione domeſtica, aut a ſcribendo aut a cogitando. Itaque tantos proceſſus faciebat, ut evolare non excurrere videbatur, &c.——alia de illo majora dici poſſunt. Nam nec continentia, nec pietate, nec ullo genere virtutis, quenquam ejuſdem ætatis cum illo conferendum puto. Brut. p. 397, 398.

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

enacted; and landed the next at *Brundiſium*, where he found *his daughter* Tullia *already arrived to receive him. The day happened to be the annual Feſtival of the Foundation of the Town; as well as of the Dedication of the Temple of Safety at* Rome; *and the birth-day likewiſe of* Tullia; as if Providence had thrown all theſe circumſtances together to enhance the joy and ſolemnity of his landing; which was celebrated by the people with the moſt profuſe expreſſions of mirth and gayety. Cicero took up his quarters again with his old hoſt Lenius Flaccus, who had entertained him ſo honorably in his diſtreſs, a perſon of great learning as well as generoſity: here he received the wellcome news *in four days from* Rome, *that the law was actually ratified by the people with an incredible zeal and unanimity of all the Centuries* [*b*]. This obliged him to purſue his journey in all haſt, and take leave of the *Brundiſians*; who by all the offices of private duty, as well as public decrees, endeavoured to teſtify their ſincere reſpect for him. The fame of his landing and progreſs towards the City, drew infinite multitudes from all parts, to ſee him as he paſſed, and congratulate him on his return: *ſo that the whole road was but one continued ſtreet from* Brundiſium *to* Rome, *lined on both ſides with crowds of men, women, and children; nor was there a Præfecture, Town, or Colony through* Italy, *which did not decree him ſtatues or public honors, and ſend a deputation of their principal members to pay him their compliments:*

[*b*] Pridie Non. Sextil. Dyrrhachio ſum profectus, illo ipſo die quo lex eſt lata de nobis. Brundiſium veni Nonis: ibi mihi Tulliola mea præſto fuit, natali ſuo ipſo die, qui caſu idem natalis erat Brundiſinæ coloniæ; & tuæ vicinæ ſalutis. Quæ res animadverſa a multitudine, ſumma Brundiſinorum gratulatione celebrata eſt. Ante diem ſextum Id. Sext. cognovi—literis Quinti fratris, mirifico ſtudio omnium ætatum atque ordinum, incredibili concurſu Italiæ, legem comitiis centuriatis eſſe perlatum. Ad Att. 4. 1.

Cumque me domus eadem optimorum & doctiſſimorum virorum, Lenii Flacci, & Patris & Fratris ejus lætiſſima accepiſſet, quæ proximo anno mœrens receperat, & ſuo periculo præſidioque defenderat. Pro Sext. 63.

pliments: that it was rather leſs than the truth, as PLUTARCH ſays, *what* CICERO *himſelf tells us, that all* Italy *brought him back upon its ſhoulders* [c]. *But that one day*, ſays he, *was worth an immortality; when, on my approach towards the City, the Senate came out to receive me, followed by the whole body of the Citizens; as if* Rome *itſelf had left its foundations, and marched forward to embrace its Preſerver* [d].

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

As ſoon as he entered the gates, he ſaw *the ſteps of all the Temples, Porticos, and even the tops of houſes covered with people, who ſaluted him with an univerſal acclamation, as he marched forward towards the Capitol, where freſh multitudes were expecting his arrival: yet in the midſt of all this joy he could not help grieving*, he ſays, *within himſelf, to reflect that a City ſo gratefull to the defender of its liberty, had been ſo miſerably enſlaved and oppreſſed* [e]. The Capitol was the proper ſeat or throne, as it were, of the Majeſty of the Empire; where ſtood the moſt magnificent Fabric of *Rome*, *the Temple of* JUPITER, or of that God whom they ſtiled *the Greateſt and the Beſt* [f]; to whoſe ſhrine all, who entered the City in pomp or triumph, uſed always to make their firſt viſit. CICERO therefore, before he had ſaluted his wife

[c] Meus quidem reditus is fuit, ut a Brundiſio uſque Romam agmen perpetuum totius Italiæ viderem. Neque enim regio fuit ulla, neque præfectura, neque municipium aut colonia, ex qua non publice ad me venerint gratulatum. Quid dicam adventus meos? Quid effuſiones hominum ex oppidis? Quid concurſum ex agris Patrum familias cum conjugibus ac liberis? &c. In Piſon. 22.

Italia cuncta pæne ſuis humeris reportavit. Poſt red. in Sen. 15.

Itinere toto Urbes Italiæ feſtos dies agere adventus mei videbantur. Viæ multitudine legatorum undique miſſorum celebrabantur.—Pro Sext. 63.

[d] Unus ille dies mihi quidem inſtar immortalitatis fuit——cum Senatum egreſſum vidi, populumque Romanum univerſum, cum mihi ipſa Roma, prope convulſa ſedibus ſuis, ad complectendum conſervatorem ſuum procedere viſa eſt. In Piſon. 22.

[e] Iter a porta, in Capitolium aſcenſus, domum reditus erat ejuſmodi, ut ſumma in lætitia illud dolerem, civitatem tam gratam, tam miſeram atque oppreſſam fuiſſe.——Pro Sext. 63.

[f] Quocirca Te, Capitoline, quem propter beneficia, Populus Romanus Optimum, propter vim, Maximum, nominavit. Pro Dom. 57.

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

wife and family, was obliged to diſcharge himſelf here of his vows and thanks for his ſafe return; where, in compliance with the popular ſuperſtition, he paid his devotion alſo *to that tutelary* Minerva, whom, at his quitting *Rome*, he had placed in the Temple of her Father. From this office of religion he was conducted by the ſame company, and with the ſame acclamations, to his Brother's houſe, where this great proceſſion ended: which, from one end of it to the other, was ſo ſplendid and triumphant, *that he had reaſon*, he ſays, *to fear, leſt people ſhould imagine that he himſelf had contrived his late flight, for the ſake of ſo glorious a reſtoration* [g].

[g] Ut tua mihi conſcelerata illa vis non modo non propulſanda, ſed etiam emenda fuiſſe videatur. Pro Dom. 28.



SECT.



SECT. VI.

CICERO's return was, what he himſelf truly calls it, *the beginning of a new life* to him [*a*]; which was to be governed by new maxims, and a new kind of policy; yet ſo as not to forfeit his old character. He had been made to feel in what hands the weight of power lay, and what little dependence was to be placed on the help and ſupport of his Ariſtocratical friends: POMPEY had ſerved him on this important occaſion very ſincerely, and with the concurrence alſo of CÆSAR; ſo as to make it a point of gratitude, as well as prudence,

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

[*a*] Alterius vitæ quoddam initium ordimur. [Ad Att. 4. 1.] In another place, he calls his reſtoration to his former dignity, παλιγγενεσιαν, [ad Att. 6. 6.] or a new birth; a word borrowed probably from the *Pythagorean* ſchool, and applied afterwards by the ſacred writers to the renovation of our Nature by Baptiſm, as well as our reſtoration to life after death in the general Reſurrection. Matt. xix. 29. Tit. iii. 5.

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to be more obſervant of them than he had hitherto been: the Senate, on the other hand, with the Magiſtrates and the honeſt of all ranks, were zealous in his cauſe; and the *Conſul* Lentulus above all ſeemed to make it *the ſole end and glory of his adminiſtration* [*b*]. This uncommon conſent of oppoſite parties in promoting his reſtoration, drew upon him *a variety of obligations, which muſt needs often claſh and interfere with each other*; and which it was his part ſtill to manage ſo, as to make them conſiſtent with his honor, his ſafety, his private, and his public duty: theſe were to be the ſprings and motives of his *new life*; the hinges on which his future conduct was to turn; and to do juſtice ſeverally to them all, and aſſign to each *its proper weight and meaſure of influence*, required his utmoſt ſkill and addreſs [*c*].

The day after his arrival, *on the fifth of September*, the Conſuls ſummoned the Senate, to give him an opportunity of paying his thanks to them in public for their late ſervices; where, after a general profeſſion of his obligations to them all, he made his particular acknowledgments to each Magiſtrate by name; *to the Conſuls*; *the Tribuns*; *the Prætors*: he addreſſed himſelf *to the Tribuns*, before *the Prætors*; not for the dignity of their office, for in that they were inferior, but for their greater authority in making laws; and conſequently, their greater merit in carrying his law into effect. The number of his private friends *was too great to make it poſſible for him to enumerate or thank them all*; *ſo that he*

[*b*] Hoc ſpecimen virtutis, hoc indicium animi, hoc lumen conſulatus ſui fore putavit, ſi me mihi, ſi meis, ſi Reipub. reddidiſſet.—Poſt red. in Sen. 4.

[*c*] Sed quia ſæpe concurrit, propter aliquorum de me meritorum inter ipſos contentiones, ut eodem tempore in omnes verear ne vix poſſim gratus videri. Sed ego hoc meis ponderibus examinabo, non ſolum quid cuique debeam, ſed etiam quid cujuſque interſit, & quid a me cujuſque tempus poſcat. Pro Plancio. 32.

he confined himſelf to the Magiſtrates, with exception onely to POMPEY [*d*], whom for the eminence of his character, though at preſent onely a private man, he took care to diſtinguiſh by a perſonal addreſs and compliment. But as LENTULUS was the firſt in office, and had ſerved him with the greateſt affection, ſo he gives him *the firſt ſhare of his praiſe*; and in the overflowing of his gratitude ſtiles him, *the parent and the God of his life and fortunes* [*e*]. The next day he paid his thanks likewiſe to the people, in a ſpeech from *the Roſtra*; where he dwelt chiefly on the ſame topics which he had uſed in the Senate, celebrating the particular merits and ſervices of his principal friends, eſpecially *of* POMPEY; whom he declares to be the *greateſt man for virtue, wiſdom, glory, who was then living, or had lived, or ever would live; and that he owed more to him on this occaſion, than it was even lawfull almoſt for one man to owe to another* [*f*].

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

BOTH theſe ſpeeches are ſtill extant, and a paſſage or two from each will illuſtrate the temper and diſpoſition in which he returned: in ſpeaking to the Senate, after a particular recital of the ſervices of his friends, he adds; "as I have a pleaſure in enumerating theſe, ſo I wil- "lingly paſs over in ſilence what others wickedly acted "againſt me: it is not my preſent buſineſs to re-

[*d*] Cum perpaucis nominatim gratias egiſſem, quod omnes enumerari nullo modo poſſent, ſcelus autem eſſet quenquam præteriri.—Ibid. 30.

Hodierno autem die nominatim a me Magiſtratibus ſtatui gratias eſſe agendas, & de privatis uni, qui pro ſalute mea municipia, coloniaſque adiiſſet.—Poſt red. in Sen. 12.

[*e*] Princeps *P. Lentulus*, parens ac *Deus* noſtræ vitæ, fortunæ, &c. Ibid. 4. It was a kind of maxim among the ancients; that *to do good to a mortal, was to be a God to a mortal. Deus eſt mortali, juvare mortalem.* [Plin. Hiſt. 2. 7.] Thus *Cicero*, as he calls *Lentulus* here his *God*, ſo on other occaſions gives the ſame appellation to *Plato*. *Deus ille noſter Plato*—[ad Att. 4. 16.] to expreſs the higheſt ſenſe of the benefits received from them.

[*f*] Cn. Pompeius, vir omnium qui ſunt, fuerunt, erunt, princeps virtute, ſapientia, ac gloria.—Huic ego homini, Quirites, tantum debeo, quantum hominem homini debere vix fas eſt. Poſt red. ad Quir. 7.

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" member injuries; which if it were in my power to
" revenge, I ſhould chuſe to forget; my life ſhall be ap-
" plied to other purpoſes; to repay the good offices of
" thoſe who have deſerved it of me; to hold faſt the
" friendſhips which have been tried as it were in the
" fire; to wage war with declared enemies; to pardon
" my timorous, nor yet expoſe my treacherous friends;
" and to balance the miſery of my exil by the dignity
" of my return---[g]." To the people he obſerves;
" that there were four ſorts of enemies, who concurred
" to oppreſs him: the firſt, who, out of hatred to the
" Republic, were mortal enemies to him for having
" ſaved it: the ſecond, who, under a falſe pretence of
" friendſhip, infamouſly betrayed him: the third, who,
" through their inability to obtain what he had acquired,
" were envious of his dignity: the fourth, who, tho'
" by office they ought to have been the guardians of the
" Republic, bartered away his ſafety, the peace of the
" City, and the dignity of the Empire, which were
" committed to their truſt. I will take my revenge,
" ſays he, on each of them, agreeably to the different
" manner of their provocation; on the bad Citizens,
" by defending the Republic ſtrenuouſly; on my per-
" fidious friends, by never truſting them again; on the
" envious, by continuing my ſteady purſuit of virtue and
" glory; on thoſe Merchants of Provinces, by calling
" them home to give an account of their adminiſtra-
" tion: but I am more ſollicitous how to acquit my
" ſelf of my obligations to you, for your great ſervices,
" than to reſent the injuries and cruelties of my ene-
" mies:

[g] Poſt red. in Sen. 9.

" mies: for it is much eaſier to revenge an injury than
" to repay a kindneſs, and much leſs trouble to get the
" better of bad men than to equal the good [*b*].

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THIS affair being happily over, the Senate had leiſure again to attend to public buſineſs; and there was now a caſe before them of a very urgent nature, which required a preſent remedy; *an unuſual ſcarcity of corn and proviſions* in the City, which had been greatly encreaſed by the late concourſe of people from all parts of *Italy*, on CICERO's account, and was now felt very ſeverely by the poorer Citizens. They had born it with much patience while CICERO's return was in agitation; comforting themſelves with a notion, that if he was once reſtored, plenty would be reſtored with him; but finding the one at laſt effected without the other, they began to grow clamorous, and unable to endure their hunger any longer.

CLODIUS could not let ſlip ſo fair an opportunity of exciting ſome new diſturbance, and creating freſh trouble to CICERO, by charging the calamity to his *ſcore*: for this end he employed a number of young fellows to run all night about the ſtreets, making a lamentable outcry for bread; and calling upon CICERO to relieve them from the famine to which he had reduced them; as if he had got ſome hidden ſtore or magazine of corn, ſecreted from common uſe [*i*]. He ſent his mob alſo to the Theater, in which *the Prætor* CÆCILIUS, CICERO's particular friend, was exhibiting *the Apollinarian ſhews*, where

[*b*] Poſt red. ad Quir. 9.

[*i*] Qui facultate oblata, ad imperitorum animos incitandos, renovaturum te illa funeſta latrocinia ob annonæ cauſam putaviſti. Pro Dom. 5. Quid? puerorum illa concurſatio nocturna? num a te ipſo inſtituta me frumentum flagitabant? Quaſi vero ego aut rei frumentariæ præfuiſſem, aut compreſſum aliquod frumentum tenerem. Ibid. 6.

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where they raiſed ſuch a terror that they drove the whole company out of it: then, in the ſame tumultuous manner, they marched to the Temple of Concord, whither Metellus had ſummoned the Senate; but happening to meet with Metellus in the way, they preſently attacked him with vollies of ſtones; with ſome of which they wounded even the Conſul himſelf, who, for the greater ſecurity, immediately adjourned the Senate into the *Capitol*. They were led on by two deſperate Ruffians, their uſual Commanders, M. Lollius and M. Sergius, the firſt of whom had in Clodius's Tribunate undertaken the taſk of killing Pompey; the ſecond had been Captain of the Guard to Catiline, and was probably of his family [*k*]: but Clodius, encouraged by this hopefull beginning, put himſelf at their head in perſon, and purſued the Senate into the *Capitol*, in order to diſturb their debates, and prevent their providing any relief for the preſent evil; and above all, to excite the meaner ſort *to ſome violence againſt* Cicero. But he ſoon found, to his great diſappointment, that Cicero was too ſtrong in the affections of the City, to be hurt again ſo ſoon: for the people themſelves ſaw through his deſign, and were ſo provoked at it, *that they turned univerſally againſt him, and drove him out of the field with all his mercenaries*; when perceiving that Cicero *was not preſent in the Senate, they called out upon him by name*

[*k*] Cum homines ad Theatrum primo, deinde ad Senatum concurriſſent impulſu Clodii. Ad Att. 4. 1.

Concurſus eſt ad Templum Concordiæ factus, Senatum illuc vocante Metello —— qui ſunt homines a Q. Metello, in Senatu palam nominati, a quibus ille ſe lapidibus appetitum, etiam percuſſum eſſe dixit.—Quis eſt iſte Lollius? Qui te Tribuno pleb.—Cn. Pompeium interficiendum depopoſcit.—Quis eſt Sergius? armiger Catilinæ, ſtipator tui corporis, ſignifer ſeditionis——his atque hujuſmodi ducibus, cum tu in annonæ caritate in Conſules, in Senatum——repentinos impetus comparares.—Pro Dom. 5.

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name with one voice, and would not be quieted till he came in perſon to undertake their cauſe, and propoſe ſome expedient for their relief. He had kept his houſe all that day, and reſolved to do ſo, till he ſaw the iſſue of the tumult; but when he underſtood that CLODIUS *was repulſed, and that his preſence was univerſally required by the Conſuls, the Senate, and the whole people, he came to the Senate Houſe, in the midſt of their debates, and being preſently aſked his opinion*, propoſed, *that* POMPEY *ſhould be entreated to undertake the Province of reſtoring plenty to the City*; *and to enable him to execute it with effect, ſhould be inveſted with an abſolute power over all the public ſtores and corn-rents of the Empire through all the Provinces: the motion was readily accepted, and a vote immediately paſſed, that a law ſhould be prepared for that purpoſe and offered to the people* [*l*]. *All the Conſular Senators were abſent, except* MESSALA *and* AFRANIUS: *they pretended to be afraid of the mob*; but the real cauſe was their unwillingneſs to concur in granting this commiſſion to POMPEY. The Conſuls carried the decree with them *into the Roſtra*, and read it publicly to the people; *who on the mention of* CICERO'*s name, in which it was drawn, gave an univerſal ſhout of applauſe*; *upon which, at the deſire of all the Magiſtrates*, CICERO *made a ſpeech to them*, ſetting forth the reaſons

[*l*] Ego vero domi me tenui, quamdiu turbulentum tempus fuit——cum ſervos tuos ad rapinam, ad bonorum cædem paratos——armatos etiam in Capitolium tecum veniſſe conſtabat—ſcio me domi manſiſſe—poſteaquam mihi nunciatum eſt, populum Romanum in Capitolium—conveniſſe, miniſtros autem ſcelerum tuorum perterritos, partim amiſſis gladiis, partim ereptis diffugiſſe; veni non ſolum ſine ullis copiis, ac manu, verum etiam cum paucis amicis.——Ibid. 3.

Ego denique—— a populo Romano univerſo, qui tum in Capitolium convenerat, cum illo die minus valerem, nominatim in Senatum vocabar. Veni exſpectatus; multis jam ſententiis dictis, rogatus ſum ſententiam; dixi Reipub. ſaluberrimam, mihi neceſſariam. Ibid. 7.

Factum eſt S. C. in meam ſententiam, ut cum Pompeio ageretur, ut eam rem ſuſciperet, lexque ferretur. Ad Att. 4. 1.

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reaſons and neceſſity of the decree, and giving them the comfort of a ſpeedy relief, from the vigilance and authority of Pompey [*m*]. The abſence however of the Conſular Senators, gave a handle to reflect upon the act, *as not free and valid, but extorted by fear, and without the intervention of the principal members; but the very next day, in a fuller Houſe, when all thoſe Senators were preſent, and a motion was made to revoke the decree, it was unanimouſly rejected* [*n*]; and the Conſuls were ordered to draw up a law conformable to it, by which *the whole adminiſtration of the corn and proviſions of the Republic was to be granted to* Pompey *for five years, with a power of chuſing fifteen Lieutenants to aſſiſt him in it.*

This furniſhed Clodius with freſh matter of abuſe upon Cicero: he charged him *with ingratitude, and the deſertion of the Senate, which had always been firm to him, in order to pay his court to a man, who had betrayed him: and that he was ſo ſilly, as not to know his own ſtrength and credit in the City, and how able he was to maintain his authority without the help of* Pompey [*o*]. But Cicero defended himſelf by ſaying, "that they "muſt not expect to play the ſame game upon him "now that he was reſtored, with which they had ruined "him before, by raiſing jealouſies between him and "Pompey:

[*m*] Cum abeſſent Conſulares, quod tuto ſe negarent poſſe ſententiam dicere, præter Meſſalam & Afranium. Ibid.

Quo S. C. recitato, cum continuo more hoc inſulſo & novo plauſum, meo nomine recitando dediſſet, habui concionem.—Ibid.

[*n*] At enim liberum Senatus judicium propter metum non fuit. Pro Dom. 4.

Poſtridie Senatus frequens, & omnes Conſulares nihil Pompeio poſtulanti negarunt. Ad Att. 4. 1.

Cum omnes adeſſent, cœptum eſt referri de inducendo S. C.; ab univerſo Senatu reclamatum eſt. Pro Dom. 4.

[*o*] Tune es ille, inquit, quo Senatus carere non potuit?—quo reſtituto, Senatus auctoritatem reſtitutam putabamus? quam primum adveniens prodidiſti. Ibid. 2.

Neſcit quantum auctoritate valeat, quas res geſſerit, qua dignitate ſit reſtitutus. Cur ornat eum a quo deſertus eſt? Ibid. 11.

" POMPEY; that he had ſmarted for it too ſeverely
" already, to be caught again in the ſame trap; that in
" decreeing this commiſſion to POMPEY, he had diſ-
" charged both his private obligations to a friend and
" his public duty to the State; that thoſe who grudged
" all extraordinary power to POMPEY, muſt grudge the
" victories, the Triumphs, the acceſſion of dominion
" and revenue, which their former grants of this ſort
" had procured to the Empire; that the ſucceſs of
" thoſe ſhewed, what fruit they were to expect from
" this [*p*]."

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BUT what authority ſoever this law conferred on POMPEY, his creatures were not yet ſatisfied with it; ſo that MESSIUS, one of the Tribuns, propoſed another, to give him the additional power *of raiſing what money, fleets, and armies he thought fit; with a greater command through all the Provinces, than their proper Governors had in each.* CICERO's law ſeemed modeſt in compariſon of MESSIUS's: POMPEY pretended to be content with the firſt, whilſt all his dependants were puſhing for the laſt; they expected that CICERO would come over to them; but he continued ſilent, nor would ſtir a ſtep farther; for his affairs were ſtill in ſuch a ſtate, as obliged him to act with caution, and to manage both the Senate and the men of power: the concluſion was, that CICERO's law was received by all parties, *and* POMPEY *named him for his firſt Lieutenant, declaring that he ſhould conſider him as a ſecond ſelf, and act nothing without his ad-*

[*p*] Deſinant homines iiſdem machinis ſperare me reſtitutum poſſe labefactari, quibus antea ſtantem perculerunt——data merces eſt erroris mei magna, ut me non ſolum pigeat ſtultitiæ meæ, ſed etiam pudeat. Ibid. 11. Cn. Pompeio———maxima terra marique bella extra ordinem eſſe commiſſa: quarum rerum ſi quem pœniteat, eum victoriæ populi Romani neceſſe eſt pœnitere. Ibid. 8.

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vice [q]. Cicero *accepted the employment*; *on condition that he might be at liberty to uſe or reſign it at pleaſure, as he found it convenient to his affairs* [r]: but he ſoon after quitted it to his Brother, and choſe to continue in the City; where he had the pleaſure to ſee the end of his law effectually anſwered; for the credit of Pompey's name immediately reduced the price of victuals in the Markets; and his vigor and diligence in proſecuting the affair, ſoon eſtabliſhed a general plenty.

Cicero was reſtored to his former dignity, but not to his former fortunes; nor was any ſatisfaction yet made to him for the ruin of his houſes and eſtates: a full reſtitution indeed had been decreed, but was reſerved to his return; which came now before the Senate to be conſidered and ſettled by public authority, where it met ſtill with great obſtruction. The chief difficulty was about his *Palatin houſe*; which he valued above all the reſt, and which Clodius for that reaſon had contrived to alienate, as he hoped, irretrievably; by demoliſhing the Fabric, *and dedicating a Temple upon the area to the Goddeſs* Liberty: where, to make his work the more complete, he pulled down alſo the adjoining *portico of* Catulus, that he might build it up anew, of the ſame order with his Temple; and by blending the public with private property, and *conſecrating the whole to Religion*, might make it impoſſible to ſeparate or reſtore any part to Cicero; ſince a conſecration, legally performed,

[q] Legem Conſules conſcripſerunt——alteram Meſſius, qua omnis pecuniæ dat poteſtatem, & adjungit claſſem & exercitum, & majus imperium in provinciis, quam ſit eorum, qui eas obtinent. Illa noſtra lex Conſularis nunc modeſta videtur, hæc Meſſii non ferenda. Pompeius illam velle ſe dicit; Familiares hanc. Conſulares duce Favonio fremunt, nos tacemus; & eo magis quod de domo noſtra nihil adhuc Pontifices reſponderunt.——

Ille legatos quindecim cum poſtularet, me principem nominavit, & ad omnia me alterum ſe fore dixit.——Ad Att. 4. 1.

[r] Ego me a Pompeio legari ita ſum paſſus, ut nulla re impedirer, quod ne, ſi vellem, mihi eſſet integrum.——Ibid. 2.

formed, made the thing conſecrated unapplicable ever after to any private uſe. A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

THIS portico was built, as has been ſaid, on the ſpot where FULVIUS FLACCUS formerly lived, whoſe houſe was publicly demoliſhed, for the treaſon of its maſter; and it was CLODIUS's deſign *to join* CICERO's *to it under the ſame denomination*; *as the perpetual memorial of a diſgrace and puniſhment inflicted by the people* [*s*]. When he had finiſhed the portico therefore, and annexed his Temple to it, which took up but a ſmall part, *ſcarce a tenth of* CICERO's *houſe*, he left the reſt of the area void, in order *to plant a grove, or walks of pleaſure upon it*, as had been uſual in ſuch caſes; where, as it has been obſerved, he was proſecuting a particular intereſt, as well as indulging his malice, in obſtructing the reſtitution of it to CICERO.

THE affair was to be determined by *the college of Prieſts*, who were the Judges in all caſes relating to religion: for the Senate could onely make a proviſional decree, *that if the Prieſts diſcharged the ground from the ſervice of religion, then the Conſuls ſhould take an eſtimate of the damage, and make a contract for rebuilding the whole at the public charge, ſo as to reſtore it to* CICERO *in the condition in which he left it* [*t*]. The *Prieſts* therefore of all orders were called together *on the laſt of September*, to hear this cauſe, which CICERO pleaded in perſon before them [*u*]: they were men of the firſt dignity and families in the Republic; and there never was, as CICERO tells us, *ſo full an appearance of*

[*s*] Ut domus M. Tullii Ciceronis cum domo Fulvii Flacci ad memoriam pœnæ publice conſtitutæ conjuncta eſſe videatur. Pro Dom. 38.

[*t*] Qui ſi ſuſtulerint religionem, aream præclaram habebimus: ſuperficiem Conſules ex S. C. æſtimabunt.—Ad Att. 4. 1.

[*u*] Diximus apud Pontifices prid. Kal. Octob. Ibid. 2.

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them in any cauſe, ſince the foundation of the City: he reckons up *nineteen* by name; a great part of whom were of *Conſular rank* [*w*]. His firſt care, before he entered into the merits of the queſtion, was to remove the prejudices, which his enemies had been laboring to inſtill, on the account of his late conduct in favor of Pompey, by explaning the motives, and ſhewing the neceſſity of it; contriving at the ſame time to turn the odium on the other ſide, by running over *the hiſtory of* Clodius's *Tribunate*, and painting all its violences in the moſt lively colors; but the queſtion on which the cauſe ſingly turned, *was about the efficacy of the pretended conſecration of the houſe, and the dedication of the Temple:* to ſhew the nullity therefore of this act, he endeavours to overthrow the very foundation of it, "and prove Clodius's Tribunate to be originally "null and void, from *the invalidity of his adoption*, on "which it was intirely grounded:" he ſhews, "that the "ſole end of adoption, which the laws acknowledged, "was to ſupply the want of children, by borrowing them "as it were from other families; that it was an eſſential "condition of it, that he who adopted had no children "of his own, nor was in condition to have any: that "the parties concerned were obliged to appear before the "Prieſts to ſignify their conſent, the cauſe of the adop-"tion, the circumſtances of the families intereſted in it, "and the nature of their religious rites; that the Prieſts "might judge of the whole, and ſee that there was no "fraud or deceit in it, nor any diſhonor to any family "or

[*w*] Nego unquam poſt ſacra conſtituta, quorum eadem eſt antiquitas, quæ ipſius urbis, ulla de re, ne de capite quidem Virginum Veſtalium, tam frequens collegium judicaſſe. De Haruſp. reſp. 6, 7.

" or perſon concerned: that nothing of all this had been
" obſerved in the caſe of CLODIUS: that the Adopter
" was not full twenty years old, when he adopted a
" Senator, who was old enough to be his father: that
" he had no occaſion to adopt, ſince he had a wife and
" children, and would probably have more, which he
" muſt neceſſarily diſinherit by this adoption, if it was
" real: that Clodius had no other view, than, by the
" pretence of an adoption, to make himſelf *a Plebeian*
" and *Tribun*, in order to overturn the State: that the
" act itſelf, which confirmed the adoption, was null and
" illegal, being tranſacted while BIBULUS was obſerving
" the Auſpices, which was contrary to expreſs law, and
" huddled over in three hours by CÆSAR, when it ought
" to have been publiſhed for three market days ſucceſ-
" ſively, at the interval of nine days each [*x*]: that if
" the adoption was irregular and illegal, as it certainly
" was, the Tribunate muſt needs be ſo too, which was
" intirely built upon it: but granting the Tribunate after
" all to be valid, becauſe ſome eminent men would
" have it ſo; yet the act made afterwards for his ba-
" niſhment, could not poſſibly be conſidered as a law,
" but as a *Privilege* onely, made againſt a particular
" perſon; which the ſacred laws, and the laws of the
" twelve Tables had utterly prohibited: that it was
" contrary to the very conſtitution of the Republic, to
" puniſh any Citizen either in body or goods, till he
" had been accuſed in proper form, and condemned of
" ſome crime by competent Judges: that *Privileges*, or
" laws to inflict penalties on ſingle perſons by name,
" without

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

[*x*] Pro Dom. 13, 14, 15, 16.

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" without a legal trial, were cruel and pernicious, and " nothing better than proſcriptions, and of all things " not to be endured in their City [*y*]." Then in entering upon the queſtion of his houſe, he declares, " that the whole effect of his reſtoration depended " upon it; that if it was not given back to him, but " ſuffered to remain a monument of triumph to his " enemy, of grief and calamity to himſelf, he could not " conſider it as a reſtoration, but a perpetual puniſh- " ment: that his houſe ſtood in the view of the whole " people; and if it muſt continue in its preſent ſtate, " he ſhould be forced to remove to ſome other place, " and could never endure to live in that City, in which " he muſt always ſee trophies erected both againſt him- " ſelf and the Republic: the houſe of Sp. Melius," ſays he, " who affected a Tyranny, was levelled; and " by the name of *Æquimelium* given to the place, the " people confirmed the Equity of his puniſhment: the " houſe of Sp. Cassius was overturned alſo for the ſame " cauſe, and a Temple raiſed upon it to Tellus: M. " Vaccus's houſe was confiſcated and levelled; and to " perpetuate the memory of his treaſon, the place is " ſtill called Vaccus's meadows: M. Manlius likewiſe, " after he had repulſed the *Gauls* from the *Capitol*, not " content with the glory of that ſervice, was adjudged " to aim at dominion; ſo that his houſe was demoliſh- " ed, where you now ſee the two groves planted: muſt " I therefore ſuffer that puniſhment, which our An- " ceſtors inflicted as the greateſt, on wicked and traite- " rous Citizens; that poſterity may conſider me, not " as

[*y*] Ibid. 17. in privos homines leges ferri noluerunt; id eſt enim privilegium: quo quid eſt injuſtius? De Legib. 3. 19. Non licet legem de uno homine ferre, niſi eadem ad omnes pertineat. Lex Athenienſ.—Demoſt. con. Ariſtocr. 739. edit. Wolf.

" as the oppreſſor, but the author and captain of the " Conſpiracy [z]?" When he comes to ſpeak to the dedication itſelf, he obſerves, " that the Goddeſs " LIBERTY, to which the Temple was dedicated, was " the known ſtatue of a celebrated ſtrumpet, which " APPIUS brought from *Greece*, for the ornament of his " Ædileſhip: and upon dropping the thoughts of that " magiſtracy, gave to his brother CLODIUS, to be ad- " vanced into a Deity [a]: that the ceremony was per- " formed without any licence or judgement obtained " from the College of Prieſts, by the ſingle miniſtry " of a raw young man, the brother in law of CLODIUS, " who had been made Prieſt but a few days before; a " mere novice in his buſineſs, and forced into the ſer- " vice [b]: but if all had been tranſacted regularly, " and in due form, that it could not poſſibly have any " force, as being contrary to the ſtanding laws of the " Republic: for there was an old Tribunician law made " by Q. PAPIRIUS, which prohibited the conſecration of " houſes, lands, or altars, without the expreſs com- " mand of the people; which was not obtained, nor " even pretended in the preſent caſe [c]: that great re- " gard had always been paid to this law in ſeveral " inſtances of the graveſt kind: that Q. MARCIUS the " Cenſor erected a Statue of CONCORD in a public part " of the City, which C. CASSIUS afterwards, when " Cenſor, removed into the Senate-houſe, and conſulted " the College of Prieſts, whether he might not dedi- " cate the ſtatue and the houſe alſo itſelf to CONCORD: " upon which M. ÆMILIUS, the High-Prieſt, gave anſwer, " in

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

[z] Pro Dom. 37, 38.
[a] Ibid. 43.
[b] Ibid. 45.
[c] Ibid. 49.

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

" in the name of the College, that unleſs the People " had deputed him by name, and he acted in it by their " authority, they were of opinion that he could not " rightly dedicate them [*d*]: that Licinia alſo, a veſtal " virgin, dedicated an altar and little temple under the " ſacred Rock; upon which S. Julius the Prætor, by " order of the Senate, conſulted the College of Prieſts; " for whom P. Scævola, the High-Prieſt, gave anſwer, " that what Licinia had dedicated in a public place, " without any order of the people, could not be con- " ſidered as ſacred: ſo that the Senate injoined the " Prætor to ſee it deſecrated, and to efface whatever " had been inſcribed upon it: after all this, it was to " no purpoſe, he tells them, to mention, what he had " propoſed to ſpeak to in the laſt place, that the dedi- " cation was not performed with any of the ſolemn " words and rites which ſuch a function required; but " by the ignorant young man before-mentioned, with- " out the help of his Collegues, his books, or any to " prompt him: eſpecially when Clodius, who directed " him, that impure enemy of all religion, who often " acted the woman among men, as well as the man " among women, huddled over the whole ceremony in " a blundering, precipitate manner, faultring and con- " founded in mind, voice, and ſpeech; often recalling " himſelf, doubting, fearing, heſitating, and perform- " ing every thing quite contrary to what the ſacred " books preſcribed: nor is it ſtrange," ſays he, " that " in an act ſo mad and villainous, his audaciouſneſs " could not get the better of his fears: for what Pirate, " though ever ſo barbarous, after he had been plunder- " ing

[*d*] Ibid. 51, 53.

" ing Temples, when pricked by a dream or ſcruple of
" religion, he came to conſecrate ſome altar on a deſert
" ſhore, was not terrified in his mind, on being forced
" to appeaſe that Deity by his prayers, whom he had
" provoked by his ſacrilege? In what horrors then,
" think you, muſt this man needs be, the plunderer of
" all Temples, Houſes, and the whole City, when for
" the expiation of ſo many impieties, he was wickedly
" conſecrating one ſingle altar [*e*]? Then after a
" ſolemn invocation and appeal to all the Gods, who
" peculiarly favored and protected that City, to bear
" witneſs to the integrity of his zeal and love to the
" Republic, and that in all his labors and ſtruggles, he
" had conſtantly preferred the public benefit to his
" own, he commits the juſtice of his cauſe to the
" judgement of the venerable Bench."

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HE was particularly pleaſed with the compoſition of this ſpeech, which he publiſhed immediately; and ſays upon it, that if ever he made any figure in ſpeaking, his indignation and the ſenſe of his injuries had inſpired him with new force and ſpirit in this cauſe [*f*]. The ſentence of the Prieſts turned wholly on what CICERO had alledged about the force of *the Papirian law*; viz. *that if he, who performed the office of conſecration, had not been ſpecially authorized and perſonally appointed to it by the people, then the area in queſtion might, without any ſcruple of religion, be reſtored to* CICERO. This, tho' it ſeemed ſomewhat evaſive, was ſufficient for CICERO's purpoſe; *and his friends congratulated him upon it, as upon a clear*

[*e*] Ibid. 54, 55.

[*f*] Acta res eſt accurate a nobis; & ſi unquam in dicendo fuimus aliquid, aut etiam ſi unquam alias fuimus, tum profecto dolor & magnitudo vim quandam nobis dicendi dedit. Itaque Oratio juventuti noſtræ deberi non poteſt. Ad Att. 4. 2.

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

victory; while Clodius interpreted it ſtill in favor of himſelf, and being produced *into the Roſtra* by his Brother Appius, acquainted the people, *that the Prieſts had given judgement for him, but that* Cicero *was preparing to recover poſſeſſion by force, and exhorted them therefore to follow him and* Appius *in the defence of their liberties.* But his ſpeech made no impreſſion on the audience; *ſome wondered at his impudence, others laughed at his folly, and* Cicero *reſolved not to trouble himſelf, or the people about it, till the Conſuls, by a decree of the Senate, had contracted for rebuilding the portico of* Catulus [g].

The Senate met the next day in a full houſe to put an end to this affair; when Marcellinus, one of the Conſuls elect, being called upon to ſpeak firſt, addreſſed himſelf *to the Prieſts, and deſired them to give an account of the grounds and meaning of their ſentence:* upon which Lucullus, in the name of the reſt, declared, *that the Prieſts were indeed the Judges of religion, but the Senate of the law; that they therefore had determined onely what related to the point of religion, and left it to the Senate to determine whether any obſtacle remained in point of law:* all the other Prieſts ſpoke largely after him in favor of Cicero's cauſe: when Clodius roſe afterwards to ſpeak, he endeavoured to waſt the time ſo, as to hinder their coming to any reſolution that day; but after he had been ſpeaking *for three hours* ſucceſſively, the aſſembly grew ſo impatient, and made ſuch a noiſe and hiſſing, that he was

[g] Cum Pontifices decreſſent, ita, ſi neque populi juſſu, neque plebis ſcitu, is qui ſe dedicaſſe diceret, nominatim ei rei præfectus eſſet; neque populi juſſu, neque plebis ſcitu id facere juſſus eſſet, videri poſſe ſine religione eam partem areæ mihi reſtitui. Mihi facta ſtatim eſt gratulatio: nemo enim dubitat, quin domus nobis eſſet adjudicata. Tum ſubito ille in concionem aſcendit, quam Appius ei dedit: nunciat jam populo, Pontifices ſecundum ſe decreviſſe; me autem vi conari in poſſeſſionem venire: hortatur, ut ſe & Appium ſequantur, & ſuam libertatem ut defendant. Hic cum etiam illi infimi partim admirarentur, partim irriderent hominis amentiam. —— Ad Att. 4. 2.

was forced to give over: yet when they were going to paſs a decree, in *the words of* MARCELLINUS, SERRANUS *put his negative upon it:* this raiſed an univerſal indignation; and a freſh debate began, at the motion of the Two Conſuls, *on the merit of the Tribun's interceſſion*; when, after many warm ſpeeches, they came to the following vote; *that it was the reſolution of the Senate, that* CICERO's *houſe ſhould be reſtored to him, and* CATULUS's *portico rebuilt, as it had been before; and that this vote ſhould be defended by all the Magiſtrates; and if any violence or obſtruction was offered to it, that the Senate would look upon it, as offered by him, who had interpoſed his negative.* This ſtaggered SERRANUS, and the late Farce was played over again; *his father threw himſelf at his feet to beg him to deſiſt; he deſired a night's time*; which at firſt was refuſed, but, on CICERO's requeſt, granted; and the next day he revoked his negative, and without farther oppoſition, ſuffered the Senate to paſs a decree, *that* CICERO's *damage ſhould be made good to him, and his houſes rebuilt at the public charge* [*h*].

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THE Conſuls began preſently to put the decree in execution; and having contracted for the rebuilding CATULUS's *portico*, ſet men to work, *upon clearing the ground, and demoliſhing what had been built by* CLODIUS: but as to CICERO's buildings, it was agreed to take an eſtimate of his damage, and pay the amount of it to himſelf, to be laid out according to his own fancy: in which *his Palatin houſe was valued at ſixteen thouſand pounds; his Tuſculan at four thouſand; his Formian onely at two thouſand.* This was a very deficient and ſhamefull valuation, *which all the world cried out upon*; for *the*

[*h*] Ibid.

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

Palatin houſe had coſt him not long before near twice that ſumm: but Cicero would not give himſelf any trouble about it, or make any exceptions; which gave the Conſuls a handle to throw the blame upon *his own modeſty, for not remonſtrating againſt it, and ſeeming to be ſatisfied with what was awarded:* but the true reaſon was, as he himſelf declares, *that thoſe, who had clipt his wings, had no mind to let them grow again; and tho' they had been his advocates when abſent, began now to be ſecretly angry, and openly envious of him when preſent* [*i*].

But, as he was never covetous, this affair gave him no great uneaſineſs; tho', through the late ruin of his fortunes, he was now in ſuch want of money, that he reſolved *to expoſe his Tuſculan Villa to ſale*; but ſoon changed his mind, and built it up again with much more magnificence than before; and for the beauty of its ſituation and neighbourhood to the City, took more pleaſure in it ever after, than in any other of his country ſeats. But he had ſome domeſtic grievances about this time, which touched him more nearly; and which, as he ſignifies obſcurely to Atticus, *were of too delicate a nature to be explaned by a letter* [*k*]: they aroſe chiefly from the petulant humor of his wife, which began to give him frequent occaſions of chagrin; and by a ſeries of repeated provocations confirmed in him that ſettled diſguſt, which ended at laſt in a divorce.

As

[*i*] Nobis ſuperficiem ædium Conſules de conſilii ſententia æſtimarunt HS vicies; cætera valde illiberaliter; Tuſculanam villam quingentis millibus; Formianum ducentis quinquaginta millibus; quæ æſtimatio non modo ab optimo quoque ſed etiam a plebe reprehenditur. Dices, quid igitur cauſæ fuit? Dicunt illi quidem pudorem meum, quod neque negarim, neque vehementius poſtularim. Sed non eſt id; nam hoc quidem etiam profuiſſet. Verum iidem, mi Pomponi, iidem inquam illi, qui mihi pennas inciderunt, nolunt eaſdem renaſci.——Ibid.

[*k*] Tuſculanum proſcripſi: ſuburbano non facile careo.—— Cætera, quæ me ſollicitant, μυστικώτερα ſunt. Amamur a fratre & filia. Ibid.

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As he was now reſtored to the poſſeſſion both of his dignity and fortunes, ſo he was deſirous to deſtroy all the public monuments of his late diſgrace; nor to ſuffer *the law of his exil* to remain, with the other acts of CLODIUS's *Tribunate*, hanging up *in the Capitol*, engraved, as uſual, on tables of braſs: watching therefore the opportunity of CLODIUS's abſence, *he went to the Capitol with a ſtrong body of his friends, and taking the tables down conveyed them to his own houſe.* This occaſioned a ſharp conteſt in the Senate between him and CLODIUS, about *the validity of thoſe acts*; and drew CATO alſo into the debate; who, for the ſake of *his Cyprian commiſſion, thought himſelf obliged to defend their legality againſt* CICERO, *which created ſome little coldneſs between them*, and gave no ſmall pleaſure to the common enemies of them both [*l*].

BUT CICERO's chief concern at preſent was, how to ſupport his former authority in the City, and provide for his future ſafety; as well againſt the malice of declared enemies, as the envy of pretended friends, which he perceived to be growing up afreſh againſt him: he had thoughts of putting in for *the Cenſorſhip*; *or of procuring one of thoſe honorary Lieutenancies*, which gave a public character to private Senators; with intent to make a progreſs through *Italy*, or *a kind of religious pilgrimage to all the Temples, Groves, and ſacred places, on pretence of a vow, made in his exil.* This would give him an opportunity of ſhewing himſelf every where in a light, which naturally attracts the affection of the multitude, by teſtifying a pious regard to the favorite ſuperſtitions and local religions of the Country; as the Great, in

[*l*] Plutarch, in Cic. Dio. p. 100.

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in the ſame Country, ſtill pay their court to the vulgar, by viſiting the ſhrines and altars of the Saints, which are moſt in vogue: he mentions theſe projects to Atticus, as deſigned to be executed in the ſpring, reſolving in the mean while to cheriſh the good inclination of the people towards him, by keeping himſelf perpetually in the view of the City [*m*].

Catulus's *portico*, and Cicero's houſe were riſing again apace, and carried up almoſt to the roof; when Clodius, without any warning, attacked them, *on the ſecond of November, with a band of armed men, who demoliſhed the portico, and drove the workmen out of* Cicero's *ground, and with the ſtones and rubbiſh of the place began to batter* Quintus's *houſe*, with whom Cicero then lived, and *at laſt ſet fire to it*; ſo that the two Brothers, with their families, were forced to ſave themſelves by a haſty flight. Milo had already accuſed Clodius for his former violences, and reſolved, if poſſible, to bring him to juſtice: Clodius, on the other hand, was ſuing for *the Ædileſhip*, to ſecure himſelf, for one year more at leaſt, from any proſecution: he was ſure of being condemned, if ever he was brought to trial, *ſo that whatever miſchief he did in the mean time was all clear gain, and could not make his cauſe the worſe* [*n*]: he now therefore gave a free courſe to his natural fury; was perpetually ſcouring the ſtreets with his incendiaries, *and threatening fire*

[*m*] Ut nulla re impedirer, quod ne ſi vellem, mihi eſſet integrum, aut ſi comitia Cenſorum proximi Conſules haberent, petere poſſe, aut Votivam Legationem ſumſiſſe prope omnium Fanorum, lucorum. Ad Att. 4. 2.

[*n*] Armatis hominibus ante diem III. Non. Novemb. expulſi ſunt fabri de area noſtra, diſturbata porticus Catuli——Quæ ad tectum pæne pervenerat. Quinti fratris domus primo fracta conjectu lapidum, ex area noſtra, deinde juſſu Clodii inflammata, inſpectante Urbe, conjectis ignibus.——Videt, ſi omnes quos vult palam occiderit, nihilo ſuam cauſam difficiliorem, quam adhuc ſit, in judicio futuram.——Ad Att. 4. 3.

fire and ſword to the City itſelf, if an aſſembly was not called for the election of Ædiles. In this humor, about a week after his laſt outrage, *on the eleventh of November*, happening to meet with CICERO, in the ſacred ſtreet, he preſently aſſaulted him *with ſtones, clubs, and drawn ſwords:* CICERO was not prepared for the encounter, and took refuge in the Veſtibule of the next houſe; where his attendants rallying in his defence, beat off the aſſailants, *and could eaſily have killed their Leader, but that* CICERO *was willing*, he ſays, *to cure by diet, rather than Surgery.* The day following CLODIUS *attacked* MILO's *houſe, with ſword in hand and lighted Flambeaus, with intent to ſtorm and burn it:* but MILO was never unprovided for him; and Q. FLACCUS, ſallying out with a ſtrong band of ſtout fellows, killed ſeveral of his men, *and would have killed* CLODIUS *too, if he had not hid himſelf in the inner apartments of* P. SYLLA's *houſe, which he made uſe of on this occaſion as his Fortreſs* [*o*].

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

THE Senate met, on the fourteenth, to take theſe diſorders into conſideration; CLODIUS *did not think fit to appear there*; *but* SYLLA came, to clear himſelf probably from the ſuſpicion of encouraging him in theſe violences, on account of the freedom, which he had taken with his houſe [*p*]. Many ſevere ſpeeches were made, and vigorous counſils propoſed; MARCELLINUS's opinion was, *that* CLODIUS *ſhould be impeached anew for theſe laſt outrages*;

[*o*] Ante diem tertium Id. Novemb. cum ſacra via deſcenderem, inſecutus eſt me cum ſuis. Clamor, lapides, fuſtes, gladii; hæc improviſa omnia. Diſceſſimus in veſtibulum Tertii Damionis: qui erant mecum facile operas aditu prohibuerunt. Ipſe occidi potuit; ſed ego diæta curare incipio, chirurgiæ tædet. — Milonis domum prid. Id. expugnare & incendere ita conatus eſt, ut palam hora quinta cum ſcutis homines, eductis gladiis, alios cum accenſis facibus adduxerit. Ipſe domum P. Syllæ pro caſtris ad eam impugnationem ſumpſerat, &c. Ad Att. 4. 3.

[*p*] Sylla ſe in Senatu poſtridie Idus, domi Clodius. Ibid.

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

outrages; *and that no election of Ædiles ſhould be ſuffered, till he was brought to a trial:* Milo *declared, that as long as he continued in office, the Conſul* Metellus *ſhould make no election*; *for he would take the auſpices every day, on which an aſſembly could be held*; *but* Metellus *contrived to waſt the day in ſpeaking, ſo that they were forced to break up without making any decree.* Milo was as good as his word, and, having gathered a ſuperior force, took care to obſtruct the election; tho' the Conſul Metellus employed all his power and art to elude his vigilance, and procure an aſſembly by ſtratagem; calling it to one place and holding it in another, ſometimes in the field of Mars, ſometimes in the Forum; but Milo was ever beforehand with him; and, keeping a conſtant guard in the field from midnight to noon, was always at hand to inhibit his procedings, by *obnouncing*, as it was called, or declaring, that he was *taking the auſpices on that day*; ſo that the three Brothers were baffled and diſappointed, tho' they were perpetually haranguing and laboring to inflame the people againſt thoſe, who interrupted their aſſemblies and right of electing; *where* Metellus's *ſpeeches were turbulent*, Appius's *raſh*, Clodius's *furious*. Cicero, who gives this account to Atticus, was of opinion, *that there would be no election*; *and that* Clodius *would be brought to trial, if he was not firſt killed by* Milo; which was likely to be his fate: Milo, ſays he, *makes no ſcruple to own it*; *being not deterred by my misfortune, and having no envious or perfidious counſellors about him, nor any lazy Nobles to diſcourage him: it is commonly given out by the other ſide, that what he does, is all done by my advice*; *but they little know,*

how

how much conduct, as well as courage, there is in this Hero [*q*]. A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

Young Lentulus, the ſon of the Conſul, was by the intereſt of his father, and the recommendation of his noble birth, *choſen into the college of Augurs* this ſummer, tho' not yet *ſeventeen years old*; *having but juſt changed his puerile for the manly gown* [*r*]: Cicero was invited to the inauguration feaſt, where by eating too freely of *ſome vegetables*, which happened to pleaſe his palate, he was ſeized with a violent pain of the bowels, and *diarrhœa*; of which he ſends the following account to his friend Gallus.

Cicero to Gallus.

" After I had been laboring for ten days, with a " cruel diſorder in my bowels, yet could not convince " thoſe, who wanted me at the barr, that I was ill, be- " cauſe I had no fever, I ran away to *Tuſculum*; having " kept ſo ſtrict a faſt for two days before, that I did not " taſt ſo much as water: being worn out therefore with " illneſs and faſting, I wanted rather to ſee you, than " imagined, that you expected a viſit from me: for my " part, I am afraid, I confeſs, of all diſtempers; but

[*q*] Egregius Marcellinus, omnes acres; Metellus calumnia dicendi tempus exemit: conciones turbulentæ Metelli, temerariæ Appii, furioſiſſimæ Clodii; hæc tamen ſumma, niſi Milo in Campum obnunciaſſet, Comitia futura.—Comitia fore non arbitror; reum Publium, niſi ante occiſus erit, fore a Milone puto. Si ſe inter viam obtulerit, occiſum iri ab ipſo Milone video. Non dubitat facere; præ ſe fert; caſum illum noſtrum non extimeſcit, &c.

Meo conſilio omnia illi fieri querebantur, ignari quantum in illo heroe eſſet animi, quantum etiam conſilii.—Ad Att. 4. 3.

N. B. From theſe facts it appears, that what is ſaid above of Clodius's repealing the *Ælian and Fuſian Laws*, and prohibiting the Magiſtrates from obſtructing the aſſemblies of the people, is to be underſtood onely in a partial ſenſe, and that his new law extended no farther, than to hinder the Magiſtrates from diſſolving an Aſſembly, after it was actually convened and had entered upon buſineſs; for it was ſtill unlawfull, we ſee, to convene an Aſſembly, while the Magiſtrate was in the act of obſerving the heavens.

[*r*] Cui ſuperior annus idem & virilem patris & prætextam populi judicio togam dederit.—Pro Sext. 69. it. Dio. l. 39. p. 99.

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

" eſpecially of thoſe, for which the *Stoics* abuſe your
" Epicurus, when he complains of *the ſtrangury* and
" *dyſentery*; the one of which they take to be the effect
" of gluttony; the other, of a more ſcandalous intem-
" perance. I was apprehenſive indeed of a *dyſentery*; but
" ſeem to have found benefit, either from the change of
" air, or the relaxation of my mind, or the remiſſion of
" the diſeaſe itſelf: but that you may not be ſurprized,
" how this ſhould happen, and what I have been doing
" to bring it upon me; the ſumptuary law, which ſeems
" to introduce a ſimplicity of diet, did me all this miſ-
" chief. For ſince our men of taſt are grown ſo fond of
" covering their tables, with the productions of the Earth,
" which are excepted by the law, they have found a way
" of dreſſing muſhrooms and all other vegetables ſo pa-
" latably, that nothing can be more delicious: I hap-
" pened to fall upon theſe at Lentulus's Augural ſup-
" per, and was taken with ſo violent a flux, that this is
" the firſt day, on which it has begun to give me any
" eaſe. Thus I, who uſed to command my ſelf ſo eaſily
" in *oyſters and lampreys*, was caught with *bete and*
" *mallows*; but I ſhall be more cautious for the future:
" you however, who muſt have heard of my illneſs from
" Anicius, for he ſaw me in a fit of vomiting, had a
" juſt reaſon, not onely for ſending, but for coming
" yourſelf to ſee me. I think to ſtay here, till I recruit
" my ſelf; for I have loſt both my ſtrength and my fleſh;
" but if I once get rid of my diſtemper, it will be eaſy,
" I hope, to recover the reſt [*s*]."

King

[*s*] Ep. fam. 7. 26.

N. B. Pliny ſays, that the *colum*, by which he is ſuppoſed to mean *the Cholic*, *was not* known at Rome, *till the reign of* Tiberius: but the caſe deſcribed in this letter ſeems to come ſo very near to it, that he muſt be underſtood,

KING PTOLEMY *left Rome* about this time, after he had diſtributed immenſe ſumms among the Great, to purchaſe his reſtoration by *a Roman army*. The people of *Ægypt* had ſent deputies alſo after him, to plead their cauſe before the Senate, and to explane the reaſons of their expelling him; but the King contrived to get them all aſſaſſinated on the road, before they reached the City. This piece of villainy, and the notion of his having bribed all the Magiſtrates, had raiſed ſo general an averſion to him among the people, that he found it adviſeable to quit the City, and leave the management of his intereſts to his Agents. The Conſul LENTULUS, who had obtained the province of *Cilicia and Cyprus*, whither he was preparing to ſet forward, was very deſirous to be charged with the commiſſion *of replacing him on his Throne*; for which he had already procured *a vote of the Senate:* the opportunity of a command, almoſt in ſight of *Ægypt*, made him generally thought to have the beſt pretenſions to that charge; and he was aſſured of CICERO's warm aſſiſtance in ſolliciting the confirmation of it.

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

IN this ſituation of affairs, the new Tribuns entered into office: C. CATO, of the ſame family with his nameſake MARCUS, was one of the number; a bold, turbulent man, of no temper or prudence, yet a tolerable ſpeaker, and generally on the better ſide in politics. Before he had born any public office, he attempted *to impeach* GABINIUS *of bribery and corruption*; *but not being able to get an audience of the Prætors, he had the hardineſs to*

ſtood, rather of the name, than of the thing; as the learned Dr. LE CLERC has obſerved in his Hiſtory of Medicine.——Plin. l. 26. 1. Le Cler, Hiſt. par. 2. l. 4. ſect. 2. c. 4. The mention likewiſe of the δυσεριναὶ πάθη, or the *Strangury* of EPICURUS, and the cenſure, which the *Stoics* paſſed upon it, would make one apt to ſuſpect, that ſome diſorders of *a venereal* kind were not unknown to the ancients.

A. Urb. 696. Cic. 50. Coſſ. P. Cornelius Lentulus Spinther, Q. Cæcilius Metellus Nepos.

mount the Roſtra, which was never allowed to a private Citizen, and, in a ſpeech to the people, *declared* Pompey *Dictator:* but his preſumption had like to have coſt him dear; for it raiſed ſuch an indignation in the audience, *that he had much difficulty to eſcape with his life* [*t*]. He opened his preſent Magiſtracy by declaring loudly againſt *King* Ptolemy, and all who favored him; eſpecially Lentulus; whom he ſuppoſed to be under ſome private engagement with him, and for that reaſon, was determined to baffle all their ſchemes.

Lupus likewiſe, one of his collegues, ſummoned the Senate, and raiſed an expectation of ſome uncommon propoſal from him: it was indeed of an extraordinary nature; *to reviſe and annull that famed act of* Cæsar's *Conſulſhip, for the diviſion of the Campanian lands: he ſpoke long and well upon it, and was heard with much attention; gave great praiſes to* Cicero, *with ſevere reflections on* Cæsar, *and expoſtulations with* Pompey, who was now abroad in the execution of his late commiſſion: in the concluſion he told them, *that he would not demand the opinions of the particular Senators, becauſe he had no mind to expoſe them to the reſentment and animoſity of any; but from the ill humor, which he remembered, when that act firſt paſſed, and the favor, with which he was now heard, he could eaſily collect the ſenſe of the Houſe.* Upon which Marcellinus ſaid, *that he muſt not conclude from their ſilence, either what they liked or diſliked: that for his own part, and he might anſwer too, he believed, for the reſt,*

[*t*] Ut Cato, adoleſcens nullius conſilii,— vix vivus effugeret; quod cum Gabinium de ambitu vellet poſtulare, neque Prætores diebus aliquot adiri poſſent, vel poteſtatem ſui facerent, in concionem adſcendit, & Pompeium privatus Dictatorem appellavit. Propius nihil eſt factum, quam ut occideretur. Ep. ad Quint. Frat. 1. 2.

reſt, he choſe to ſay nothing on the ſubject at preſent, becauſe he thought, that the cauſe of the Campanian lands ought not to be brought upon the ſtage, in POMPEY'*s abſence.*

A. Urb. 696. Cic. 50. Coſſ. P. CORNELIUS LENTULUS SPINTHER, Q. CÆCILIUS METELLUS NEPOS.

THIS affair being dropt, RACILIUS, another Tribun, roſe up, and renewed the debate about MILO'*s impeachment of* CLODIUS, and called upon MARCELLINUS, the Conſul elect, to give his opinion upon it; who, after inveighing againſt all the violences of CLODIUS, propoſed, *that, in the firſt place, an allotment of Judges ſhould be made for the trial; and after that, the election of Ædiles; and if any one attempted to hinder the trial, that he ſhould be deemed a public enemy.* The other Conſul elect, PHILIPPUS, was of the ſame mind; but the Tribuns, CATO and CASSIUS, ſpoke againſt it, *and were for proceding to an election before any ſtep towards a trial.* When CICERO was called upon to ſpeak, *he run through the whole ſeries of* CLODIUS'*s extravagances, as if he had been accuſing him already at the barr, to the great ſatisfaction of the aſſembly:* ANTISTIUS, the Tribun, ſeconded him, and declared, *that no buſineſs ſhould be done before the trial*; and when the houſe was going univerſally into that opinion, CLODIUS *began to ſpeak, with intent to waſt the reſt of the day, while his ſlaves and followers without, who had ſeized the ſteps and avenues of the Senate, raiſed ſo great a noiſe of a ſudden, in abuſing ſome of* MILO'*s friends, that the Senate broke up in no ſmall hurry, and with freſh indignation at this new inſult* [*u*].

THERE

[*u*] Tum Clodius rogatus diem dicendo eximere cœpit—deinde ejus operæ repente a Græcoſtaſi & gradibus clamorem ſatis magnum ſuſtulerunt, opinor in Q. Sextilium & amicos Milonis incitatæ; eo metu injecto repente magna querimonia omnium diſceſſimus. Ad Quint. Fr. 2. 1.

THERE was no more buſineſs done through the remaining part *of December*, which was taken up chiefly with holy days. LENTULUS *and* METELLUS, whoſe Conſulſhip expired with the year, ſet forward for their ſeveral governments; the one for *Cilicia*, the other for *Spain*: LENTULUS committed the whole direction of his affairs to CICERO; and METELLUS, unwilling to leave him his enemy, made up all matters with him before his departure, and wrote an affectionate letter to him afterwards from *Spain*; in which he acknowledges his ſervices, and intimates, *that he had given up his brother* CLODIUS, *in exchange for his friendſhip* [x].

A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

CICERO's firſt concern, on the opening of the new year, was to get the commiſſion, *for reſtoring King* PTOLEMY, confirmed to LENTULUS; which came now under deliberation: the Tribun, CATO, was fierce, againſt reſtoring him at all, with the greateſt part of the Senate on his ſide; when taking occaſion to conſult *the Sibylline books*, on the ſubject of *ſome late prodigies*, he chanced to find in them certain verſes, *forewarning the Roman people, not to replace an exiled King of Ægypt with an army*. This was ſo pat to his purpoſe, that there could be no doubt of its being forged; but CATO *called up the Guardians of the books into the Roſtra, to teſtify the paſſage to be genuin; where it was publicly read and explaned to the people:* it was laid alſo before the Senate, who greedily received it; and after a grave debate on this ſcruple of religion, came to a reſolution, *that it ſeemed dangerous to the Republic, that the King ſhould be reſtored,*

[x] Libenterque commutata perſona, te mihi fratris loco eſſe duco. Ep. fam. 5. 3.

reſtored by a multitude [*y*]. It cannot be imagined, that they laid any real ſtreſs on this admonition of *the Sibyl*, for there was not a man, either in or out of the Houſe, *who did not take it for a fiction:* but it was a fair pretext for defeating a project, which was generally diſliked: They were unwilling to gratify any man's ambition *of viſiting the rich country of Ægypt, at the head of an army*; and perſuaded, that without an army, no man would be ſollicitous about going thither at all [*z*]. A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

THIS point being ſettled, the next queſtion was, *in what manner the King ſhould be reſtored:* various opinions were propoſed; CRASSUS moved, *that three Embaſſadors, choſen from thoſe, who had ſome public command, ſhould be ſent on the errand; which did not exclude* POMPEY: BIBULUS propoſed, *that three private Senators; and* VOLCATIUS, *that* POMPEY *alone ſhould be charged with it:* but CICERO, HORTENSIUS, and LUCULLUS urged, *that* LENTULUS, *to whom the Senate had already decreed it, and who could execute it with moſt convenience, ſhould reſtore him without an army.* The two firſt opinions were ſoon over-ruled, and the ſtruggle lay between LENTULUS *and* POMPEY. CICERO, *though he had ſome reaſon to complain of* LENTULUS *ſince his return*, particularly for the contemptible valuation of his houſes, yet for the great part, which he had born, in reſtoring him, was very deſirous to ſhew his gratitude, and reſolved to ſupport him with all his authority: POMPEY, who had obligations alſo to LENTULUS,

[*y*] Senatus religionis calumniam, non religione ſed malevolentia, & illius regiæ largitionis invidia comprobat.—Ep. fam. 1. 1.

De Rege Alexandrino factum eſt S. C. *cum multitudine eum reduci, periculoſum Reipub. videri.*—Ad Quin. Fr. 2. 2.

[*z*] Hæc tamen opinio eſt populi Romani, a tuis invidis atque obtrectatoribus nomen inductum *fictæ religionis*, non tam ut te impedirent, quam ut nequis, propter exercitus cupiditatem, Alexandriam vellet ire. Ep. fam. 1. 4.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

LENTULUS, acted the ſame part towards him, which he had done before towards CICERO; by his own conduct and profeſſions, *he ſeemed to have* LENTULUS's *intereſt at heart; yet, by the conduct of all his friends, ſeemed deſirous to procure the employment for himſelf; while the King's Agents and Creditors*, fancying that their buſineſs would be ſerved the moſt effectually by POMPEY, *began openly to ſollicit, and even to bribe for him* [*a*]. But the Senate, through CICERO's influence, ſtood generally inclined to LENTULUS; and after a debate, which ended in his favor, CICERO, who had been the manager of it, *happening to ſup with* POMPEY *that evening, took occaſion to preſs him with much freedom not to ſuffer his name to be uſed in this competition; nor give a handle to his enemies, for reproaching him with the deſertion of a friend, as well as an ambition of engroſſing all power to himſelf.* POMPEY *ſeemed touched with the remonſtrance, and profeſſed to have no other thought, but of ſerving* LENTULUS, *while his dependents continued ſtill to act ſo, as to convince every body, that he could not be ſincere* [*b*].

WHEN

[*a*] Craſſus tres legatos decernit, nec excludit Pompeium: cenſet enim etiam ex iis, qui cum imperio ſunt. M. Bibulus tres legatos ex iis, qui privati ſunt. Huic aſſentiuntur reliqui conſulares, præter Servilium, qui omnino reduci negat oportere, & Volcatium, qui decernit Pompeio.——

Hortenſii & mea & Luculli ſententia—Ex illo S. C. quod te referente factum eſt, tibi decernit, ut reducas regem.——

Regis cauſâ ſi qui ſunt qui velint, qui pauci ſunt, omnes rem ad Pompeium deferri volunt. Ep. fam. 1. 1.

Reliqua cum eſſet in Senatu contentio, *Lentuluſne an Pompeius* reduceret, obtinere cauſam Lentulus videbatur.——In ea re Pompeius quid velit non deſpicio: familiares ejus quid cupiant, omnes vident. Creditores vero Regis aperte pecunias ſuppeditant contra Lentulum. Sine dubio res remota a Lentulo videtur, cum magno meo dolore: quamquam multa fecit, quare ſi fas eſſet, jure ei ſuccenſere poſſemus. Ad Quin. Fr. 2. 2.

[*b*] Ego eo die caſu apud Pompeium cænavi: nactuſque tempus hoc magis idoneum, quam unquam antea poſt tuum diſceſſum, is enim dies honeſtiſſimus nobis fuerat in Senatu, ita ſum cum illo locutus, ut mihi viderer animum hominis ab omni alia cogitatione ad tuam dignitatem tuendam traducere: quem ego ipſum cum audio, prorſus eum libero omni ſuſpicione cupiditatis: cum autem ejus familiares, omnium ordinum video, perſpicio, id quod jam omnibus eſt apertum, totam rem iſtam jampridem a certis hominibus, non invito Rege ipſo,—— eſſe corruptam. Ep. fam. 1. 2.

A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

WHEN LENTULUS's pretenſions ſeemed to be in a hopefull way, C. CATO took a new and effectual method to diſappoint them, *by propoſing a law to the people, for taking away his government, and recalling him home.* This ſtroke ſurprized every body; the Senate condemned it as factious; and LENTULUS's *ſon changed his habit upon it*, in order to move the Citizens, and hinder their offering ſuch an affront to his Father. The Tribun, CANINIUS, propoſed another law at the ſame time, *for ſending* POMPEY *to Ægypt:* but this pleaſed no better than the other: and the Conſuls contrived, that neither of them ſhould be brought to the ſuffrage of the people [*c*]. Theſe new conteſts gave a freſh interruption *to* PTOLEMY's *cauſe*; in which CICERO's reſolution was, if the commiſſion could not be obtained for LENTULUS, *to prevent its being granted at leaſt to* POMPEY, *and ſave themſelves the diſgrace of being baffled by a competitor* [*d*]: but the Senate was grown ſo ſick of the whole affair, that they reſolved to leave the King to ſhift for himſelf, without interpoſing at all in his reſtoration; and ſo the matter hung; whilſt other affairs more intereſting were dayly riſing up at home, and engaging the attention of the City.

THE election of *Ædiles*, which had been induſtriouſly poſtponed through all the laſt ſummer, could not eaſily be kept off any longer: the City was impatient for its

[*c*] Nos cum maxime conſilio, ſtudio, labore, gratia, de cauſa regia niteremur, ſubito exorta eſt nefaria Catonis promulgatio, quæ ſtudia noſtra impediret, & animos a minore cura ad ſummum timorem traduceret. Ibid. 5.

Suſpicor per vim rogationem Caninium perlaturum. Ad Quint. 2. 2.

[*d*] Sed vereor ne aut eripiatur nobis cauſa regia, aut deferatur.———Sed ſi res coget, eſt quiddam tertium, quod non——mihi diſplicebat; ut neque jacere Regem pateremur, nec nobis repugnantibus, ad eum deferri, ad quem prope jam delatum videtur.——Ne, ſi quid non obtinuerimus, repulſi eſſe videamur. Ep. fam. 1. 5.

A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

Magiſtrates; and eſpecially for the plays and ſhews, with which they uſed to entertain them; and ſeveral alſo of the new Tribuns being zealous for an election, it was held at laſt *on the twentieth of January*; *when* CLODIUS *was choſen Ædile*, without any oppoſition; ſo that CICERO began once more to put himſelf upon his guard, from the certain *expectation of a furious Ædileſhip* [*e*].

IT may juſtly ſeem ſtrange, how a man ſo profligate and criminal, as CLODIUS, whoſe life was a perpetual inſult on all laws, divine and human, ſhould be ſuffered not onely to live without puniſhment, but to obtain all the honors of a free City in their proper courſe; and it would be natural to ſuſpect, that we had been deceived in our accounts of him, by taking them from his enemies, did we not find them too firmly ſupported by facts, to be called in queſtion: but a little attention to the particular character of the man, as well as of the times, in which he lived, will enable us to ſolve the difficulty. Firſt, the ſplendor of his family, which had born a principal ſhare in all the triumphs of the Republic, from the very foundation of its liberty, was of great force to protect him in all his extravagances: thoſe, who know any thing of *Rome*, know what a ſtrong impreſſion this ſingle circumſtance *of illuſtrious nobility would neceſſarily make upon the people*; CICERO calls the Nobles of this claſs, *Prætors and Conſuls elect from their cradles, by a kind of hereditary right; whoſe very names were ſufficient to advance them to all the dignities of the ſtate* [*f*]. Secondly,

[*e*] Sed omnia fiunt tardiora propter furioſæ Ædilitatis expectationem. Ad Quint. 2. 2.

[*f*] Non idem mihi licet, quod iis, qui nobili genere nati ſunt, quibus omnia populi Romani beneficia dormientibus deferuntur.—In Verr. 5. 70.

Erat nobilitate ipſa, blanda conciliatricula commendatus. Omnes ſemper boni nobilitati favemus, &c.——Pro Sext. 9.

condly, his perſonal qualities were peculiarly adapted to endear him to all the meaner ſort: his bold and ready wit; his talent at haranguing; his profuſe expenſe; and his being the firſt of his family who had purſued popular meaſures, againſt the maxims of his Anceſtors, who were all ſtern aſſertors of *the Ariſtocratical power*. Thirdly, the contraſt of oppoſite factions, who had each their ends in ſupporting him, contributed principally to his ſafety: the Triumvirate willingly permitted and privately encouraged his violences; to make their own power not onely the leſs odious, but even neceſſary, for controuling the fury of ſuch an incendiary; and tho' it was often turned againſt themſelves, yet they choſe to bear it, and diſſemble their ability of repelling it, rather than deſtroy the man, who was playing their game for them, and by throwing the Republic into confuſion, throwing it of courſe into their hands: the Senate, on the other ſide, whoſe chief apprehenſions were from the Triumvirate, thought, that the raſhneſs of CLODIUS might be of ſome uſe to perplex their meaſures, and ſtir up the people againſt them on proper occaſions; or it humored their ſpleen at leaſt, *to ſee him often inſulting* POMPEY *to his face* [g]. Laſtly, all, who envied CICERO, and deſired to leſſen his authority, privately cheriſhed an enemy, who employed all his force to drive him from the adminiſtration of affairs: this accidental concurrence of circumſtances, peculiar to the man and the times, was the thing that preſerved CLODIUS, whoſe inſolence could never

A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

[g] Videtis igitur hominem per ſeipſum jam pridem afflictum ac jacentem, perniciosis Optimatium diſcordiis excitari.—Ne a Republica Reipub. peſtis amoveretur, reſtiterunt: etiam ne cauſam diceret: etiam ne privatus eſſet: etiamne in ſinu atque in deliciis quidam optimi viri viperam illam venenatam ac peſtiferam habere potuerunt? Quo tandem decepti munere? Volo, inquiunt, eſſe qui in concione detrahat de Pompeio.—De Haruſp. reſp. 24.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

never have been endured in any quiet and regular ſtate of the City.

By his obtaining *the Ædileſhip*, the tables were turned between him and Milo: the one was armed with the authority of a magiſtrate; the other become a private man: the one freed from all apprehenſion of Judges and a trial; the other expoſed to all that danger from the power of his antagoniſt: and it was not Clodius's cuſtom, to neglect any advantage againſt an enemy, ſo that he now accuſed Milo of the ſame crime, of which Milo had accuſed him; *of public violence and breach of the laws, in maintaining a band of Gladiators to the terror of the City.* Milo made his appearance to this accuſation, *on the ſecond of February*; when Pompey, Crassus, and Cicero appeared with him; and M. Marcellus, tho' Clodius's *Collegue in the Ædileſhip, ſpoke for him at* Cicero's *deſire*; and the whole paſſed quietly and favorably for him on that day. The ſecond hearing was appointed *on the ninth*; when Pompey undertook to plead his cauſe, but no ſooner ſtood up to ſpeak, than Clodius's mob began to exert their uſual arts, and *by a continual clamor of reproaches and invectives, endeavoured to hinder him from going on, or at leaſt from being heard:* but Pompey was too firm, to be ſo baffled; *and ſpoke for near three hours, with a preſence of mind, which commanded ſilence, in ſpite of their attempts.* When Clodius roſe up to anſwer him, Milo's party, in their turn, ſo diſturbed and confounded him, that he was not able to ſpeak a word; *while a number of Epigrams and Lampoons upon him and his Siſter were thrown about, and publicly rehearſed among the multitude below, ſo as to make him quite furious:* till recollecting himſelf a little,

and

and finding it impoſſible to procede in his ſpeech, he demanded aloud of his mob, *who it was, that attempted to ſtarve them by famine?* To which they preſently cried out, POMPEY: he then aſked, *who it was, that deſired to be ſent to Ægypt?* They all echoed, POMPEY: but when he aſked, *who it was, that they themſelves had a mind to ſend?* They anſwered, CRASSUS: for the old jealouſy was now breaking out again between him and POMPEY; *and tho' he appeared that day on* MILO's *ſide, yet he was not*, as CICERO ſays, *a real well wiſher to him.*

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THESE warm procedings among the chiefs, brought on a fray below, among their partiſans; *the* Clodians *began the attack, but were repulſed by the* Pompeians; *and* CLODIUS *himſelf driven out of the Roſtra:* CICERO, when he ſaw the affair procede to blows, thought it high time to retreat and make the beſt of his way towards home: but no great harm was done; for POMPEY, having cleared the Forum of his enemies, preſently drew off his forces, to prevent any farther miſchief or ſcandal from his ſide [*b*].

THE Senate was preſently ſummoned, to provide ſome remedy for theſe diſorders; where POMPEY, who had drawn

[*b*] Ad diem IIII. Non. Febr. Milo affuit. Ei Pompeius advocatus venit. Dixit Marcellus a me rogatus. Honeſte diſceſſimus. Productus dies eſt in IIII. Id. Febr.——A. D. IIII. Id. Milo affuit. Dixit Pompeius, ſive voluit. Nam ut ſurrexit, operæ Clodianæ clamorem ſuſtulerunt: idque ei perpetua oratione contigit, non modo ut acclamatione, ſed ut convicio & maledictis impediretur. Qui ut peroravit, nam in eo ſane fortis fuit, non eſt deterritus, dixit omnia, atque interdum etiam ſilentio, cum auctoritate peregerat; ſed ut peroravit, ſurrexit Clodius: ei tantus clamor a noſtris, placuerat enim referre gratiam, ut neque mente, neque lingua, neque ore conſiſteret.——Cum omnia maledicta, tum verſus etiam obſceniſſimi in Clodium & Clodiam dicerentur. Ille furens & exſanguis interrogabat ſuos in clamore ipſo, quis eſſet, qui plebem fame necaret? Reſpondebant operæ, Pompeius. Quis Alexandriam ire cuperet? Reſpondebant, Pompeius. Quem ire vellent? Reſpondebant, Craſſum. Is aderat tum Miloni animo non amico.——

Hora fere nona, quaſi ſigno dato, Clodiani noſtros conſputare cœperunt. Exarſit dolor, urgere illi ut loco nos moverent. Factus eſt a noſtris impetus, fuga operarum. Ejectus de Roſtris Clodius. Ac nos quoque tum fugimus, nequid in turba.—— Senatus vocatus in Curiam, Pompeius domum.—— Ad Quint. Fr. 2. 3.

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drawn upon himſelf a freſh envy from his behaviour *in the Ægyptian affair, was ſeverely handled by* Bibulus, Curio, Favonius, *and others*; Cicero *choſe to be abſent, ſince he muſt either have offended* Pompey, *by ſaying nothing for him, or the honeſt party, by defending him.* The ſame debate was carried on for ſeveral days; in which Pompey was treated very roughly *by the Tribun* Cato, *who inveighed againſt him with great fierceneſs, and laid open his perfidy to* Cicero, *to whom he paid the higheſt compliments, and was heard with much attention by all* Pompey's *enemies.*

Pompey anſwered him with an unuſual vehemence; and *reflecting openly on* Crassus, *as the author of theſe affronts, declared, that he would guard his life with more care, than* Scipio Africanus *did, when* Carbo *murthered him.*---Theſe warm expreſſions ſeemed to open a proſpect of ſome great agitation likely to enſue: Pompey conſulted with Cicero on the proper means of his ſecurity; and acquainted him with his apprehenſions *of a deſign againſt his life; that* Cato *was privately ſupported, and* Clodius *furniſhed with money by* Crassus; *and both of them encouraged by* Curio, Bibulus, *and the reſt, who envied him; that it was neceſſary for him to look to himſelf, ſince the meaner people were wholly alienated, the nobility and Senate generally diſaffected, and the youth corrupted.* Cicero readily conſented to join forces with him, *and to ſummon their clients and friends from all parts of* Italy: for tho' he had no mind to fight his battles in the Senate, he was deſirous to defend his perſon from all violence, eſpecially againſt Crassus, whom he never loved: they reſolved likewiſe to oppoſe with united ſtrength *all the attempts of* Clodius *and* Cato, *againſt* Lentulus

and

and MILO [*i*]. CLODIUS, on the other hand, was not leſs buſy in muſtering his friends againſt the next hearing of MILO's cauſe: but as his ſtrength was much inferior to that of his adverſary, ſo he *had no expectation of getting him condemned, nor any other view but to teize and harraſs him* [*k*]: for after two hearings, the affair was put off by ſeveral adjournments *to the beginning of May*; from which time we find no farther mention of it. A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

THE Conſul, MARCELLINUS, who drew his Collegue, PHILIPPUS, along with him, was a reſolute oppoſer of *the Triumvirate*, as well as of all the violences of the other Magiſtrates: for which reaſon, he reſolved to ſuffer no aſſemblies of the people, except ſuch as were neceſſary for the elections into the annual offices: his view was, to prevent CATO's *law for recalling* LENTULUS, *and the monſtrous things*, as CICERO calls them, *which ſome were attempting at this time in favor of* CÆSAR. CICERO gives him the character *of one of the beſt Conſuls, that he had ever known, and blames him onely in one thing; for treating* POMPEY *on all occaſions too rudely; which made* CICERO *often abſent himſelf from the Senate, to avoid taking part either on the one ſide or the other* [*l*]. For the

[*i*] Neque ego in Senatum, ne aut de tantis rebus tacerem, aut in Pompeio defendendo, nam is carpebatur a Bibulo, Curione, Favonio, Servilio filio, animos bonorum offenderem. Res in poſterum diem dilata eſt.——Eo die nihil perfectum.—Ad diem II. Id.—Cato eſt vehementer in Pompeium invectus & eum oratione perpetua tanquam reum accuſavit. De me multa, me invito, cum mea ſumma laude dixit. Cum illius in me perfidiam increpavit, auditus eſt magno ſilentio malevolorum. Reſpondit ei vehementer Pompeius, Craſſumque deſcripſit; dixitque aperte, ſe munitiorem ad cuſtodiendam vitam ſuam fore, quam Africanus fuiſſet, quem C. Carbo interemiſſet. Itaque magnæ mihi res moveri videbantur. Nam Pompeius hæc intelligit, mecumque communicat inſidias vitæ ſuæ fieri: C. Catonem a Craſſo ſuſtentari; Clodio pecuniam ſuppeditari: utrumque & ab eo & a Curione, Bibulo, cæteriſque ſuis obtrectatoribus confirmari: vehementer eſſe providendum ne opprimatur, concionario illo populo a ſe prope alienato, nobilitate inimica, non æquo Senatu, Juventute improba; itaque ſe comparat, homines ex agris arceſſit. Operas autem ſuas Clodius confirmat. Manus ad Quirinalia paratur. In eo multo ſumus ſuperiores, &c. Ad Quint. 2. 3.

[*k*] Vid. Dio. p. 99.

[*l*] Conſul eſt egregius Lentulus, non impediente Collega: ſic inquam bonus, ut meliorem.

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the ſupport therefore of his dignity and intereſt in the City, he reſumed his old taſk of pleading cauſes; which was always popular and reputable, and in which he was ſure to find full employment. His firſt cauſe was the defence of L. Bestia, on the tenth of *February*, who, after the diſgrace of a repulſe from the Prætorſhip in the laſt election, was accuſed *of bribery and corruption in his ſuit for it*; and, notwithſtanding the authority and eloquence of his advocate, was convicted and baniſhed. He was a man extremely corrupt, turbulent, and ſeditious; had always been an enemy to Cicero; and ſuppoſed to be deeply engaged *in* Catiline's *plot*; and is one inſtance of the truth of what Cicero ſays, *that he was often forced, againſt his will, to defend certain perſons, who had not deſerved it of him, by the interceſſion of thoſe, who had* [*m*].

Cæsar, who was now in the career of his victories in *Gaul*, ſent a requeſt to the Senate; *that money might be decreed to him for the payment of his army; with a power of chuſing ten Lieutenants, for the better management of the war, and the conquered Provinces; and that his command ſhould be prolonged for five years more.* The demand was thought very exorbitant; and it ſeemed ſtrange, that after all his boaſted Conqueſts, he ſhould not be able to maintain his army without money from home, at a time when the treaſury was greatly exhauſted; and

liorem non viderim. Dies comitiales exemit omnes.—Sic legibus perniciosiſſimis obſiſtitur, maxime Catonis.—Nunc igitur Catonem Lentulus a legibus removit, & eos, qui de Cæſare monſtra promulgarunt.——Marcellinus autem hoc uno mihi minus ſatisfacit, quod eum nimis aſpere tractat, quanquam id Senatu non invito facit: quo ego me libentius a Curia, & ab omni parte Reip. ſubtraho. Ad Quint. 26.

[*m*] A. D. III. Id. dixi pro Beſtia de ambitu apud Prætorem Cn. Domitium, in Foro medio, maximo conventu.—Ad Quint. 2. 3.

Cogor nonnunquam homines non optime de me meritos, rogatu eorum qui bene meriti ſunt, defendere. Ep. fam. 7. 1. Vid. Philip. 11. 5. Salluſt. 17, 43. Plutarc. in Cic.

and the renewal of a commiſſion, obtained at firſt by violence and againſt the authority of the Senate, was of hard digeſtion. But CÆSAR's intereſt prevailed, and CICERO himſelf was the promoter of it, and procured a decree to his ſatisfaction; yet not without diſguſting the old patriots, who ſtood firm to their maxim of oppoſing all extraordinary grants: but CICERO *alledged the extraordinary ſervices of* CÆSAR; *and that the courſe of his victories ought not to be checked by the want of neceſſary ſupplies, while he was ſo glorioufly extending the bounds of the Empire, and conquering nations, whoſe names had never been heard before at* Rome: *and tho' it were poſſible for him to maintain his troops without their help, by the ſpoils of the enemy, yet thoſe ſpoils ought to be reſerved for the ſplendor of his Triumph, which it was not juſt to defraud by their unſeaſonable parſimony* [*n*].

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HE might think it imprudent perhaps at this time, to call CÆSAR home from an unfiniſhed war, and ſtop the progreſs of his arms in the very heighth of his ſucceſs; yet the real motive of his conduct ſeems to have flowed, not ſo much from the merits of the cauſe, as a regard to the condition of the times, and his own circumſtances. For in his private letters he owns, " that the malevolence " and envy of the Ariſtocratical chiefs had almoſt driven " him from his old principles; and tho' not ſo far, as " to make him forget his dignity, yet ſo, as to take a " proper care of his ſafety; both which might be eaſily " conſiſtent, if there was any faith or gravity in the

[*n*] Illum enim arbitrabar etiam ſine hoc ſubſidio pecuniæ retinere exercitum prædâ ante parta, & bellum conficere poſſe: ſed decus illud & ornamentum Triumphi minuendum noſtra parſimonia non putavi.——

Et quas regiones, quaſque gentes nullæ nobis antea litteræ, nulla vox, nulla fama notas fecerat, has noſter Imperator, noſterque exercitus, & populi Romani arma peragrarunt.— De Prov. Conſul. 11. 13.——

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

" Conſular Senators: but they had managed their mat-
" ters ſo ill, that thoſe, who were ſuperior to them in
" power, were become ſuperior too in authority; ſo as
" to be able to carry in the Senate, what they could not
" have carried even with the people without violence:
" that he had learnt from experience, what he could not
" learn ſo well from books, that as no regard was to be
" had to our ſafety, without a regard alſo to our dig-
" nity; ſo the conſideration of dignity ought not to ex-
" clude the care of our ſafety [o]." In another letter he ſays, " that the ſtate and form of the government
" was quite changed; and what he had propoſed to
" himſelf, as the end of all his toils, *a dignity and*
" *liberty of acting and voting*, was quite loſt and gone;
" that there was nothing left, but either meanly to aſ-
" ſent to the few, who governed all; or weakly to op-
" poſe them, without doing any good: that he had
" dropt therefore all thoughts of that old Conſular gra-
" vity and character of a reſolute Senator, and reſolved
" to conform himſelf to Pompey's will; that his great
" affection to Pompey made him begin to think all things
" right, which were uſefull to him; and he comforted
" himſelf with reflecting, that the greatneſs of his obli-
" gations would make all the world excuſe him, for
" defending what Pompey liked, or at leaſt, for not op-
" poſing it; or elſe, what of all things he moſt deſired,
" if

[o] Quorum malevolentiſſimis obtrectationibus nos ſcito de vetere illa noſtra, diuturnaque ſententia prope jam eſſe depulſos: non nos quidem ut noſtræ dignitatis ſimus obliti, ſed ut habeamus rationem aliquando etiam ſalutis. Poterat utrumque præclare, ſi eſſet fides, ſi gravitas in hominibus Conſularibus.——

Nam qui plus opibus, armis, potentia valent, profeciſſe tantum mihi videntur ſtultitia & inconſtantia adverſariorum, ut etiam auctoritate jam plus valerent——quod ipſe, litteris omnibus a pueritia deditus, experiundo tamen magis, quam diſcendo cognovi;—— neque ſalutis noſtræ rationem habendam nobis eſſe ſine dignitate, neque dignitatis ſine ſalute.—— Ep. fam. 1. 7.

" if his friendſhip with POMPEY would permit him, for " retiring from public buſineſs, and giving himſelf wholly " up to his books [*p*].

A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

BUT he was now engaged in a cauſe, in which he was warmly and ſpecially intereſted, *the defence of* P. SEXTIUS, the late Tribun. CLODIUS, *who gave* CICERO's *friends no reſpite*, having himſelf undertaken MILO, aſſigned the proſecution of SEXTIUS to one of his confidents, M. TULLIUS ALBINOVANUS, who accuſed him *of public violence, or breach of peace in his Tribunate* [*q*]. SEXTIUS had been a true friend to CICERO in his diſtreſs; and born a great part in his reſtoration; but as in caſes of eminent ſervice, conferred jointly by many, every one is apt to claim the firſt merit, and expect the firſt ſhare of praiſe; ſo SEXTIUS, naturally moroſe, fancying himſelf neglected or not ſufficiently requited by CICERO, had behaved very churliſhly towards him ſince his return: but CICERO, who was never forgetfull of paſt kindneſſes, inſtead of reſenting his perverſeneſs, having heard, *that* SEXTIUS *was indiſpoſed, went in perſon to his houſe, and cured him of all his jealouſies, by freely offering his aſſiſtance and patronage in pleading his* cauſe [*r*].

[*p*] Tantum enim animi inductio & mehercule amor erga Pompeium apud me valet, ut, quæ illi utilia ſunt, & quæ ille vult, ea mihi omnia jam & recta & vera videantur—Me quidem illa res conſolatur, quod ego is ſum, cui vel maxime concedant omnes, ut vel ea defendam, quæ Pompeius velit, vel taceam, vel etiam, id quod mihi maxime lubet, ad noſtra me ſtudia referam litterarum; quod profecto faciam, ſi mihi per ejuſdem amicitiam licebit.——

Quæ enim propoſita fuerant nobis, cum & honoribus ampliſſimis, & laboribus maximis perfuncti eſſemus, dignitas in ſententiis dicendis, libertas in Rep. capeſſenda; ea ſublata tota: ſed nec mihi magis, quam omnibus. Nam aut aſſentiendum eſt nulla cum gravitate paucis, aut fruſtra diſſentiendum. Ibid. 8.

[*q*] Qui cum omnibus ſalutis meæ defenſoribus bellum ſibi eſſe gerendum judicaverunt. Pro Sext. 2.

[*r*] Is erat æger: domum, ut debuimus, ad eum ſtatim venimus; eique nos totos tradidimus: idque fecimus præter hominum opinionem, qui nos ei jure ſuccenſere putabant, ut humaniſſimi gratiſſimique & ipſi & omnibus videremur: itaque faciemus. Ad Quint. 2. 3.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

THIS was a diſappointment to the proſecutors; who flattered themſelves, that CICERO was ſo much diſguſted, that he would not be perſwaded to plead for him; but he entered into the cauſe with a hearty inclination, and made it, as in effect it really was, his own [*s*]. In his ſpeech, which is ſtill extant, after laying open the hiſtory of his exil, and the motives of his own conduct, through the whole progreſs of it, he ſhews; "that the onely "ground of proſecuting SEXTIUS was, his faithfull ad- "herence to him, or rather to the Republic; that by "condemning SEXTIUS, they would in effect condemn "him, whom all the orders of the City had declared to "be unjuſtly expelled, by the very ſame men, who were "now attempting to expell SEXTIUS: that it was a "banter and ridicule on juſtice itſelf, to accuſe a man of "violence, who had been left for dead upon the ſpot, by "the violence of thoſe, who accuſed him; and whoſe "onely crime it was, that he would not ſuffer himſelf "to be quite killed, but preſumed to guard his life "againſt their future attempts." In ſhort he managed the cauſe ſo well, that SEXTIUS was acquitted, and in a manner the moſt honorable, *by the unanimous ſuffrages of all the Judges; and with an univerſal applauſe of* CICERO*'s humanity and gratitude* [*t*].

POMPEY attended this trial as a friend to SEXTIUS; while CÆSAR*'s creature*, VATINIUS, appeared not onely as an adverſary, but *a witneſs againſt him:* which gave CICERO an opportunity of laſhing him, as SEXTIUS particularly deſired, with all the keenneſs of his raillery, *to*

[*s*] P. Sextius eſt reus non ſuo ſed meo nomine, &c. Pro Sext. 13.

[*t*] Sextius noſter abſolutus eſt. A. D. II. Id. Mart. & quod vehementer interfuit Reipub. nullam videri in ejuſmodi cauſa diſſenſionem eſſe, omnibus ſententiis abſolutus eſt.——Scito nos in eo judicio conſecutos eſſe, ut omnium gratiſſimi judicaremur. Nam in defendendo homine moroſo cumulatiſſime ſatisfecimus.—Ad Quint. 2. 4.——

to the great diverſion of the audience; for inſtead of interrogating him in the ordinary way about the facts depoſed in the trial, he contrived to teize him with a perpetual ſeries of queſtions, which revived and expoſed the iniquity of his factious Tribunate, and the whole courſe of his profligate life, from his firſt appearance in public; and, in ſpite of all his impudence, *quite daunted and confounded him.* VATINIUS however made ſome feeble effort to defend himſelf, and rally CICERO in his turn; and, among other things, reproached him *with the baſeneſs of changing ſides, and becoming* CÆSAR's *friend, on account of the fortunate ſtate of his affairs:* to which CICERO briſkly replied, tho' POMPEY himſelf ſtood by, *that he ſtill preferred the condition of* BIBULUS's *Conſulſhip, which* VATINIUS *thought abject and miſerable, to the victories and triumphs of all men whatſoever.* This ſpeech againſt VATINIUS is ſtill remaining, under the title of *the Interrogation*; and is nothing elſe, but what CICERO himſelf calls it, *a perpetual invective on the Magiſtracy of* VATINIUS, *and the conduct of thoſe who ſupported him* [*u*].

A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

IN the beginning of *April*, the Senate granted *the ſumm of three hundred thouſand pounds to* POMPEY, to be laid out *in purchaſing corn for the uſe of the City*; where there was ſtill a great ſcarcity, and as great at the ſame time of money: ſo that the moving a point ſo tender could not fail of raiſing ſome ill humor in the aſſembly;

[*u*] Vatinium, a quo palam oppugnabatur, arbitratu noſtro concidimus, Diis hominibuſque plaudentibus.——Quid quæris? Homo petulans, & audax Vatinius valde perturbatus, debilitatuſque diſceſſit.——Ibid.

Ego ſedente Pompeio, cum ut laudaret P. Sextium introiiſſet in urbem, dixiſſetque teſtis Vatinius, me fortuna & felicitate C. Cæſaris commotum, illi amicum eſſe cœpiſſe; dixi, me eam Bibuli fortunam, quam ille afflictam putaret, omnium triumphis victoriiſque anteferre.———Tota vero interrogatio mea nihil habuit, niſi reprehenſionem illius Tribunatus: in quo omnia dicta ſunt libertate, animoque maximo.——Ep. fam. 1. 9.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

aſſembly; when Cicero, whoſe old ſpirit ſeems to have revived in him from his late ſucceſs in Sextius's cauſe, ſurprized them by propoſing, *that in the preſent inability of the treaſury to purchaſe the Campanian lands, which by* Cæsar's *act were to be divided to the people, the act itſelf ſhould be reconſidered, and a day appointed for that deliberation:* the motion was received with an univerſal joy, and a kind of tumultuary acclamation: the enemies of *the Triumvirate* were extremely pleaſed with it, in hopes, that it would make *a breach between* Cicero *and* Pompey; but it ſerved onely for a proof, of what Cicero himſelf obſerves, *that it is very hard for a man to depart from his old ſentiments in politics, when they are right and juſt* [*x*].

Pompey, whoſe nature was ſingularly reſerved, expreſſed no uneaſineſs upon it, nor took any notice of it to Cicero, tho' they met and ſupped together familiarly, as they uſed to do: but he ſet forward ſoon after towards *Afric*, in order to provide corn; and intending to call at *Sardinia*, propoſed to embark at *Piſa* or *Leghorn*, that he might have an interview with Cæsar, who was now at *Luca*, the utmoſt limit of his *Gallic Government*. He found Cæsar excedingly out of humor with Cicero; for Crassus had already been with him at *Ravenna*, and greatly incenſed him by his account of Cicero's late motion; which he complained of ſo heavily, that Pompey promiſed to uſe all his authority, to induce Cicero to drop the purſuit of it; and for

[*x*] Pompeio pecunia decreta in rem frumentariam ad HS cccc. ſed eodem die vehementer actum de agro Campano, clamore Senatus prope concionali. Acriorem cauſam inopia pecuniæ faciebat, & annonæ caritas.—Ad Quint. 2. 5.

Nonis April. mihi eſt Senatus aſſenſus, ut de agro Campano, idibus Maiis, frequenti Senatu referretur. Num potui magis in arcem illius cauſæ invadere.——Ep. fam. 1. 9.

for that purpoſe ſent away an expreſs to *Rome*, to entreat him, not to procede any farther in it till his return; and when he came afterwards to *Sardinia*, where *his Lieutenant*, Q. CICERO, then reſided, he entered immediately into an expoſtulation with him about it, "recounting all his ſervices to his Brother, and that every "thing, which he had done for him, was done with "CÆSAR's conſent; and reminding him of a former "converſation between themſelves, concerning CÆSAR's "acts, and what QUINTUS himſelf had undertaken for "his Brother on that head; and as he then made him-"ſelf anſwerable for him, ſo he was now obliged to "call him to the performance of thoſe engagements: in "ſhort, he begged of him, to preſs his Brother to ſup-"port and defend CÆSAR's intereſts and dignity, or if "he could not perſwade him to that, to engage him at "leaſt, not to act againſt them [*y*]."

A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

THIS remonſtrance from POMPEY, enforced by his Brother QUINTUS, ſtaggered CICERO's reſolution, and made him enter into a freſh deliberation with himſelf about the meaſures of his conduct; where, after caſting up the ſumm of all his thoughts, and weighing every circumſtance, which concerned either his own or the public intereſt, he determined at laſt to drop the affair, rather

[*y*] Hoc S. C. in ſententiam meam facto, Pompeius, cum mihi nihil oſtendiſſet ſe eſſe offenſum, in Sardiniam & in Africam profectus eſt, eoque itinere Lucam ad Cæſarem venit. Ibi multa de mea ſententia queſtus eſt Cæſar, quippe qui etiam Ravennæ Craſſum ante vidiſſet, ab eoque in me eſſet incenſus. Sane moleſte Pompeium id ferre conſtabat: quod ego, cum audiſſem ex aliis, maxime ex fratre meo cognovi; quem cum in Sardinia paucis poſt diebus, quam Luca diſceſſerat, conveniſſet. Te, inquit, ipſum cupio: nihil opportunius potuit accidere: niſi cum Mareo fratre diligenter egeris, dependendum tibi eſt, quod mihi pro illo ſpopondiſti: quid multa? Queſtus eſt graviter: ſua merita commemoravit: quid egiſſet ſæpiſſime de actis Cæſaris cum meo fratre, quidque ſibi is de me recepiſſet, in memoriam redegit: ſeque quæ de mea ſalute egiſſet, voluntate Cæſaris egiſſe, ipſum meum fratrem teſtatus eſt.——Ibid.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

rather than expoſe himſelf again, in his preſent ſituation, to the animoſity of Pompey and Cæsar; for which he makes the following apology to his friend Lentulus: "that thoſe, who profeſſed the ſame principles, and "were embarked in the ſame cauſe with him, were perpetually envying and thwarting him, and more diſguſted by the ſplendor of his life, than pleaſed with "any thing, which he did for the public ſervice: that "their onely pleaſure, and what they could not even "diſſemble, while he was acting with them, was to ſee "him diſoblige Pompey, and make Cæsar his enemy; "when they, at the ſame time, were continually careſſing "Clodius before his face, on purpoſe to mortify him: "that if the Government indeed had fallen into wicked "and deſperate hands, neither hopes nor fears, nor gratitude itſelf could have prevailed with him to join with "them; but when Pompey held the chief ſway, who "had acquired it by the moſt illuſtrious merit; whoſe "dignity he had always favored from his firſt ſetting "out in the world, and from whom he had received "the greateſt obligations; and who, at that very time, "made his enemy the common enemy of them both; "he had no reaſon to apprehend the charge of inconſtancy, if, on ſome occaſions, he voted and acted a "little differently from what he uſed to do, in complaiſance to ſuch a friend: that his union with Pompey "neceſſarily included Cæsar, with whom both he and "his brother had a friendſhip alſo of long ſtanding; "which they were invited to renew by all manner of "civilities and good offices, freely offered on Cæsar's "part: that, after Cæsar's great exploits and victories, "the Republic itſelf ſeemed to interpoſe and forbid him

"to

" to quarrel with ſuch men: that when he ſtood in need " of their aſſiſtance, his Brother had engaged his word " for him to POMPEY, and POMPEY to CÆSAR; and he " thought himſelf obliged to make good thoſe engage- " ments [z]."

A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

This was the general ſtate of his political behaviour: he had a much larger view, and more comprehenſive knowledge both of men and things, than the other chiefs of the Ariſtocracy, BIBULUS, MARCELLINUS, CATO, FAVONIUS, &c. whoſe ſtiffneſs had ruined their cauſe, and brought them into their preſent ſubjection, *by alienating* POMPEY *and the Equeſtrian order from the Senate:* they conſidered CICERO's *management of the Triumvirate*, as a mean ſubmiſſion to illegal power, which they were always oppoſing and irritating, tho' ever ſo unſeaſonably; whereas CICERO *thought it time to give over fighting, when the forces were ſo unequal; and that the more patiently they ſuffered the dominion of their New Maſters, the more temperately they would uſe it* [a]; being perſwaded, that POMPEY at leaſt, who was the head of them, had no deſigns againſt the public liberty, unleſs he were

[z] Qui cum illa ſentirent in Repub. quæ ego agebam, ſemperque ſenſiſſent; me tamen non ſatisfacere Pompeio, Cæſaremque inimiciſſimum mihi futurum, gaudere ſe aiebant: hoc mihi dolendum, ſed illud multo magis, quod inimicum meum.—Sic amplexabantur—Sic me præſente oſculabantur—Ego ſi ab improbis & perditis civibus Rempub. teneri videbam—Non modo præmiis—Sed ne periculis quidem ullis compulſus—Ad eorum cauſam me adjungerem, ne ſi ſumma quidem eorum in me merita conſtarent. Cum autem in Repub. Cn. Pompeius princeps eſſet—— meumque inimicum unum in Civitate haberet inimicum, non putavi famam inconſtantiæ mihi pertimeſcendam, ſi quibuſdam in ſententiis paullum me immutaſſem, meamque voluntatem ad ſummi viri, de meque optime meriti dignitatem aggregaſſem, &c. Graviſſime autem me in hac mente impulit, & Pompeii fides, quam de me Cæſari dederat, & Fratris mei, quam Pompeio.—Ep. fam. 1. 9.

[a] Neque, ut ego arbitror, errarent, ſi cum pares eſſe non poſſent, pugnare deſiſterent.—

Commutata tota ratio eſt Senatus, judiciorum, Rei totius publicæ. Otium nobis exoptandum eſt: quod ii, qui potiuntur rerum, præſtituri videntur, ſi quidam homines patientius eorum potentiam ferre potuerint. Dignitatem quidem illam conſularem fortis & conſtantis Senatoris, nihil eſt, quod cogitemus. Amiſſa eſt culpa eorum, qui a Senatu & Ordinem conjunctiſſimum, & hominem clariſſimum abalienarunt. Ibid. 8.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

provoked and driven to it by the perverſe oppoſition of his enemies [*b*]. Theſe were the grounds of that complaiſance, which he now generally paid to him, for the ſake both of his own and the public quiet: in conſequence of which, when the appointed day came, for conſidering the caſe of *the Campanian lands*, the debate dropt of courſe, when it was underſtood, that Cicero, the mover of it, was abſent, and had changed his mind: tho' it was not, as he intimates, without ſome ſtruggle in his own breaſt, that he ſubmitted to this ſtep, which was likely to draw upon him an imputation of levity [*c*].

His daughter, Tullia, having now lived a widow about a year, was married *to a ſecond huſband*, Furius Craſſipes; *and the wedding feaſt held at* Cicero's *houſe, on the ſixth of April:* we find very little ſaid, of the character or condition of this Craſſipes; but by Cicero's care in making the match, the fortune which he paid, and the congratulation of his friends upon it, he appears to have been a Nobleman of principal rank and dignity [*d*]. Atticus alſo, who was above three years older than Cicero [*e*], was married this ſpring to Pilia, and invited him to the wedding [*f*]. As to his domeſtic affairs, his chief care at preſent was about rebuilding three of his houſes,

[*b*] Ep. fam. 1. 9.

[*c*] Quod Idibus & poſtridie fuerat dictum, de Agro Campano actum iri, non eſt actum. In hac cauſa mihi aqua hæret.—Ad Quint. 2. 8.

[*d*] De noſtra Tullia—ſpero nos cum Craſſipede confeciſſe. Ibid. 4.

Quod mihi de Filia & de Craſſipede gratularis——Speroque & opto hanc conjunctionem nobis voluptati fore. Ep. fam. 1. 7.

Viaticum Craſſipes præripit. Ad Att. 4. 5.

[*e*] P. Manutius ſays, that Atticus married his wife when *fifty years old*; which led me into the miſtake of making him *one year younger* than Cicero; [Vid. Manut. Comm. in Ep. ad Qu. Fr. l. 2. 3.] whereas in truth he was three years and above two months older than Cicero; as we may collect from Corn. Nepos; who ſays, that after he had completed ſeventy ſeven years, he was ſeized with a diſtemper, with which he ſtruggled for three months, and then put an end to his life by a wilfull abſtinence from all nouriſhment for five days, in the Conſulſhip of Cn. Domitius and C. Sosius, and died on the laſt day of *March*, A. U. 721. Corn. Nep. in Vit. 21, &c.

[*f*] Prid. Id. hæc ſcripſi ante lucem. Eo die apud Pomponium in ejus nuptiis eram cœnaturus. Ad Quint. 2. 3.

houſes, which were demoliſhed in his exil; and repairing the reſt, with that alſo of his Brother, out of which they were driven in the laſt attack of CLODIUS: by the hints, which he gives of them, they all ſeem to have been very magnificent, and built under the direction of the beſt Architects: CLODIUS gave no farther interruption to them, being forced to quit the purſuit of CICERO, in order to watch the motions of a more dangerous enemy, MILO. CICERO however was not without a ſhare of uneaſineſs, within his own walls; *his Brother's wife and his own, neither agreed well with each other, nor their own huſbands:* QUINTUS's was diſpleaſed at her huſband's ſtaying ſo long abroad; and CICERO's not diſpoſed to make hers the happier for ſtaying at home. His Nephew alſo, *Young* QUINTUS, a perverſe youth, ſpoiled by a mother's indulgence, added ſomewhat to his trouble; for he was now charged with the care of his education, in the Father's abſence; and had him taught under his own eye by TYRANNIO, a Greek Maſter; who, with ſeveral other learned men of that country, was entertained in his houſe [*g*].

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KING PTOLEMY's affair was no more talked of; POMPEY had other buſineſs upon his hands, and was ſo ruffled by *the Tribun*, CATO, and *the Conſul*, MARCELLINUS, that he laid aſide all thoughts of it for himſelf, and wiſhed to ſerve LENTULUS in it. The Senate had paſſed a vote *againſt reſtoring him at all; but one of the Tribuns*

[*g*] Domus utriuſque noſtrum ædificatur ſtrenue.—Ibid. 4. Longilium redemptorem cohortatus ſum. Fidem mihi faciebat, ſe velle nobis placere. Domus erit egregia. Ibid. 6.

Quintus tuus, puer optimus, eruditur egregie. Hoc nunc magis animadverto, quod Tyrannio docet apud me.—Ibid. 4.

A. D. VIII. Id. Apr. Sponſalia Craſſipedi præbui. Huic convivio puer optimus, Quintus tuus, quod perleviter commotus fuerat, defuit.——Multum is mecum ſermonem habuit & perhumanum de diſcordiis mulierum noſtrarum——Pomponia autem etiam de te queſta eſt.——Ibid. 6.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

inhibited them from proceding to a decree; and a former decree was actually ſubſiſting in favor of LENTULUS: CICERO therefore, after a conſultation with POMPEY, ſent him their joint and laſt advice; "that by his command "of a Province, ſo near to *Ægypt*, as he was the beſt "judge of what he was able to do, ſo if he found "himſelf Maſter of the thing, and was aſſured of ſuc- "ceſs, he might leave the King at *Ptolemais*, or ſome "other neighbouring City, and procede without him to "*Alexandria*; where if by the influence of his fleet and "troops he could appeaſe the public diſſenſions, and per- "ſwade the Inhabitants to receive their King peaceably, "he might then carry him home, and ſo reſtore him "according to the firſt decree; yet without a multitude, "as our religious men, *ſays he*, tell us, *the Sibyl has in- "joined*---that it was the opinion however of them both, "that people would judge of the fact by the event: if "he was certain therefore of carrying his point, he ſhould "not defer it; if doubtfull, ſhould not undertake it: "for as the world would applaud him, if he effected it "with eaſe, ſo a miſcarriage might be fatal, on account "of the late vote of the Senate, and the ſcruple about "religion [*b*]." But LENTULUS, wiſely judging the affair too hazardous for one of his dignity and fortunes, left it to a man of a more deſperate character, GABINIUS; who ruined himſelf ſoon after by embarking in it.

THE

[*b*] Te perſpicere poſſe, qui Ciliciam Cyprumque teneas, quid efficere & quid conſequi poſſis, &, ſi res facultatem habitura videatur, ut Alexandriam atque Ægyptum tenere poſſis, eſſe & tuæ & noſtri imperii dignitatis, Ptolemaide, aut aliquo propinquo loco rege collocato, te cum claſſe, atque exercitu proficiſci Alexandriam: ut cum eam pace, præſidiiſque firmaris, Ptolemæus redeat in regnum: ita fore, ut per te reſtituatur, quemadmodum Senatus initio cenſuit; & ſine multitudine reducatur, quemadmodum homines religioſi Sibyllæ placere dixerunt. Sed hæc ſententia ſic & illi & nobis probabatur, ut ex eventu homines de tuo conſilio exiſtimaturos videremus.——Nos quidem hoc ſentimus; ſi exploratum tibi ſit, poſſe te regni illius potiri; non eſſe cunctandum: ſi dubium, non eſſe conandum, &c. Ep. fam. 1. 7.

THE Tribun CATO, who was perpetually *inveighing againſt keeping Gladiators*, like ſo many ſtanding armies, to the terror of the Citizens, had lately *bought a band of them, but finding himſelf unable to maintain them*, was contriving to part with them again without noiſe or ſcandal. MILO *got notice of it, and privately employed a perſon, not one of his own friends, to buy them; and when they were purchaſed*, RACILIUS, *another Tribun, taking the matter upon himſelf, and pretending, that they were bought for him, publiſhed a proclamation, that* CATO's *family of Gladiators was to be ſold by auction; which gave no ſmall diverſion to the City* [*i*]. A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

MILO's trial being put off to *the fifth of May*, CICERO took the benefit of a ſhort vacation, to make an excurſion into the country, and viſit his eſtates and Villa's in different parts of *Italy*. He ſpent five days at *Arpinum*, whence he proceded to his other houſes *at Pompeiæ and Cumæ*; and ſtopt a while on his return, at *Antium*, where he had lately rebuilt his houſe, and was now diſpoſing and ordering his library, by the direction of TYRANNIO; *the remains of which*, he ſays, *were more conſiderable, than he expected from the late ruin.* ATTICUS *lent him two of his Librarians to aſſiſt his own*, in taking Catalogues, and placing the books in order; which he calls *the infuſion of a ſoul into the body of his houſe* [*k*].

During

[*i*] Ille vindex Gladiatorum & Beſtiariorum emerat — Beſtiarios — Hos alere non poterat. Itaque vix tenebat. Senſit Milo, dedit cuidam non familiari negotium, qui ſine ſuſpicione emeret eam familiam a Catone: quæ ſimulatque abducta eſt, Racilius rem patefecit, eoſque homines ſibi emptos eſſe dixit—& tabulam proſcripſit, ſe familiam Catonianam venditurum. In eam tabulam magni riſus conſequebantur.—Ad Quin. 2. 6.

[*k*] Offendes deſignationem Tyrannionis mirificam in librorum meorum Bibliotheca; quorum reliquiæ multo meliores ſunt, quam putaram. Etiam vellem mihi mittas de tuis Librariolis duos aliquos, quibus Tyrannio utatur glutinatoribus, & ad cætera adminiſtris.—Ad Att. 4. 4.

Poſtea vero quam Tyrannio mihi libros diſpoſuit, mens addita videtur meis ædibus: qua quidem in re, mirifica opera Dionyſii & Menophili tui fuit. Ibid. 8.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

During this tour, his old enemy, Gabinius, the Proconſul of *Syria*, having gained ſome advantage *in Judæa againſt* Aristobulus, who had been dethroned by Pompey, and on that account was raiſing troubles in the country, *ſent public letters to the Senate, to give an account of his victory, and to beg the decree of a Thankſgiving for it.* His friends took the opportunity of moving the affair in Cicero's abſence, from whoſe authority they apprehended ſome obſtruction; but the Senate, in a full Houſe, ſlighted his letters and rejected his ſuit: an affront, which had never been offered before to any Proconſul. Cicero was infinitely delighted with it, calls *the reſolution divine*, and was doubly pleaſed for its being *the free and genuin judgement of the Senate, without any ſtruggle or influence on his part*; and reproaching Gabinius with it afterwards, ſays, that by this act the Senate had declared, *that they could not believe, that he, whom they had always known to be a traitor at home, could ever do any thing abroad, that was uſefull to the Republic* [*l*].

Many prodigies were reported to have happened about this time, in the neighbourhood of *Rome: horrible noiſes under ground, with claſhing of Arms; and on the Alban hill, a little ſhrine of* Juno, *which ſtood on a table facing the eaſt, turned ſuddenly of itſelf towards the north.* Theſe terrors alarmed the City, and the Senate conſulted *the Haruſpices*, who were the public Diviners or Prophets of the State, ſkilled in all the Tuſcan diſcipline of interpreting portentous events; who gave the following anſwer

[*l*] Id. Maiis Senatus frequens divinus fuit in Supplicatione Gabinio deneganda. Adjurat Procilius hoc nemini accidiſſe. Foris valde plauditur. Mihi cum ſua ſponte jucundum, tum jucundius, quod me abſente, eſt enim εἰλικρινὲς judicium, ſine oppugnatione, ſine gratia noſtra.—Ad Quin. 2. 8. § 4, 5.

Hoc ſtatuit Senatus, cum frequens ſupplicationem Gabinio denegavit——A proditore, atque eo, quem præſentem hoſtem Reipub. cognoſſet, bene Rempub. geri non potuiſſe.—De Prov. Conſul. 6.

anſwer in writing; *that ſupplications muſt be made to* JUPITER, SATURN, NEPTUNE, *and the other Gods: that the ſolemn ſhews and plays had been negligently exhibited and polluted: ſacred and religious places made profane: Embaſſadors killed contrary to right and law: faith and oaths diſregarded: ancient and hidden ſacrifices careleſsly performed and profaned----that the Gods gave this warning, leſt by the diſcord and diſſenſion of the better ſort, dangers and deſtruction ſhould fall upon the Senate and the chiefs of the City; by which means the provinces would fall under the power of a ſingle perſon; their armies be beaten, great loſs enſue, and honors be heaped on the unworthy and diſgraced----* [*m*]. A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

ONE may obſerve from this anſwer, that *the Diviners* were under the direction of thoſe, who endeavoured to apply the influence of religion to the cure of their civil diſorders: each party interpreted it according to their own views: CLODIUS took a handle from it of venting his ſpleen afreſh againſt CICERO; and calling the people together for that purpoſe, attempted to perſwade them, *that this divine admonition was deſigned particularly againſt him; and that the article of the ſacred and religious places referred to the caſe of his houſe; which, after a ſolemn conſecration to religion, was rendered again profane; charging all the diſpleaſure of the Gods to* CICERO's *account, who affected nothing leſs than a tyranny and the oppreſſion of their liberties* [*n*].

CICERO made a reply to CLODIUS the next day in the Senate; where after a ſhort and general invective upon his profligate life, " he leaves him, *he ſays*, a devoted " victim to MILO, who ſeemed to be given to them by " heaven,

[*m*] Vid. Argum. Manutii in Orat. de Haruſp. reſp. Dio. l. 39. p. 100.

[*n*] Dio. ibid.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

" heaven, for the extinction of ſuch a plague; as Scipio " was for the deſtruction of *Carthage*: he declares the " prodigy to be one of the moſt extraordinary, which " had ever been reported to the Senate; but laughs " at the abſurdity of applying any part of it to him; " ſince his houſe, as he proves at large, was more ſo- " lemnly cleared from any ſervice or relation to religion, " than any other houſe in *Rome*, by the Judgement " of the Prieſts, the Senate, and all the orders of the " City [*o*]." Then running through the ſeveral articles of the anſwer, " he ſhews them all to tally ſo exactly " with the notorious acts and impieties of Clodius's " life, that they could not poſſibly be applied to any " thing elſe----that as to the ſports, ſaid to be negli- " gently performed and polluted, it clearly denoted the " pollution of the *Megalenſian plays*, the moſt venerable " and religious of all other ſhews; which Clodius him- " ſelf, as Ædile, exhibited in honor of the Mother of " the Gods; where, when the Magiſtrates and Citizens " were ſeated to partake of the diverſions, and the uſual " proclamation was made, to command all ſlaves to re- " tire, a vaſt body of them, gathered from all parts of " the City, by the order of Clodius, forced their way " upon the ſtage, to the great terror of the aſſembly; " where much miſchief and bloodſhed would have en- " ſued, if the Conſul Marcellinus, by his firmneſs " and preſence of mind, had not quieted the tumult: " and in another repreſentation of the ſame plays, the " ſlaves, encouraged again by Clodius, were ſo auda- " cious and ſucceſsfull in a ſecond irruption, that they " drove the whole company out of the Theater, and " poſſeſſed

[*o*] De Haruſp. reſp. 6.

" poſſeſſed it intirely to themſelves [*p*]: that *as to the* A. Urb. 697.
" *profanation of ſacred and religious places*; it could Cic. 51.
" not be interpreted of any thing ſo aptly, as of what Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.
" Clodius and his friends had done: for that in the
" houſe of Q. Seius, which he had bought after mur-
" thering the owner, there was a chappel and altars,
" which he had lately demoliſhed: that L. Piso had
" deſtroyed a celebrated chappel of Diana, where all
" that neighbourhood, and ſome even of the Senate,
" uſed annually to perform their family ſacrifices: that
" Serranus alſo had thrown down, burnt, and profaned
" ſeveral conſecrated Chappels, and raiſed other build-
" ings upon them [*q*]: that *as to Embaſſadors killed*
" *contrary to law and right*; tho' it was commonly in-
" terpreted of thoſe from *Alexandria*, yet other Embaſ-
" ſadors had been murthered, whoſe death was no leſs
" offenſive to the Gods; as Theodosius, killed with the
" privity and permiſſion of Clodius; and Plator, by
" the order of Piso [*r*]: as *to the violation of faith and*
" *oaths*, that it related evidently to thoſe Judges, who had
" abſolved Clodius; as being one of the moſt memorable
" and flagrant perjuries, which *Rome* had ever known;
" that the anſwer itſelf ſuggeſted this interpretation,
" when it ſubjoined, *that ancient and occult ſacrifices were*
" *polluted*; which could refer to nothing ſo properly,
" as to the rites of the *Bona Dea*; which were the
" *moſt ancient* and *the moſt occult* of any in the City;
" celebrated with incredible ſecrecy to that Goddeſs,
" whoſe name it was not lawfull for men to know;
" and with ceremonies, which no man ever pried into,

[*p*] Ibid. 10, 11, 12, 13. [*q*] Ibid. 14, 15. [*r*] Ibid. 16.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

" but CLODIUS [s]. Then as to the warning given by " the Gods, of *dangers likely to enſue from the diſſenſions of the principal Citizens*; that there was no man " ſo particularly active, in promoting thoſe diſſenſions, " as CLODIUS; who was perpetually enflaming one ſide " or the other; now purſuing popular, now Ariſtocra- " tical meaſures; at one time a favorite of the Trium- " virate, at another of the Senate; whoſe credit was " wholly ſupported by their quarrels and animoſities. " He exhorts them therefore in the concluſion, to beware " of falling into thoſe miſeries, of which the Gods ſo evi- " dently forewarned them; and to take care eſpecially, " that the form of the Republic was not altered; ſince " all civil conteſts between great and powerfull Citizens, " muſt neceſſarily end, either in an univerſal deſtruction, " or a tyranny of the Conqueror: that the ſtate was now " in ſo tottering a condition, that nothing could preſerve " it but their concord: that there was no hope of its " being better, while CLODIUS remained unpuniſhed; " and but one degree left of being worſe, by being " wholly ruined and enſlaved; for the prevention of " which, the Gods had given them this remarkable admo- " nition; for they were not to believe, what was ſometimes " repreſented on the ſtage, that any God ever deſcended " from heaven to converſe familiarly with men; but that " theſe extraordinary ſounds and agitations of the world, " the air, the elements, were the onely voice and ſpeech, " which heaven made uſe of; that theſe admoniſhed " them of their danger, and pointed out the remedy; " and that the Gods, by intimating ſo freely the way " of their ſafety, had ſhewn, how eaſy it would be to " pacify

[s] Ibid. 17, 18.

" pacify them, by pacifying onely their own animoſities " and diſcords among themſelves."

A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

ABOUT the middle of the ſummer, and before the time of chuſing new Conſuls, which was commonly *in Auguſt*, the Senate began to deliberate *on the Provinces*, which were to be aſſigned to them at the expiration of their office. *The Conſular Provinces*, about which the debate ſingly turned, were *the two Gauls*, which CÆSAR now held; *Macedonia*, which PISO; and SYRIA, which GABINIUS poſſeſſed. All who ſpoke before CICERO, excepting SERVILIUS, *were for taking one, or both the Gauls from* CÆSAR; which was what the Senate generally deſired: but when it came to CICERO's turn, he gladly laid hold on the occaſion to revenge himſelf on PISO and GABINIUS; and exerted all his authority, to get them recalled with ſome marks of diſgrace, and their Governments aſſigned to the ſucceding Conſuls; but as for CÆSAR, his opinion was, *that his command ſhould be continued to him, till he had finiſhed the war, which he was carrying on with ſuch ſucceſs, and ſettled the conquered countries.* This gave no ſmall offence; and *the Conſul* PHILIPPUS could not forbear interrupting and reminding him, *that he had more reaſon to be angry with* CÆSAR, *than with* GABINIUS *himſelf; ſince* CÆSAR *was the author and raiſer of all that ſtorm, which had oppreſſed him.* But CICERO replied, *that, in this vote, he was not purſuing his private reſentment, but the public good, which had reconciled him to* CÆSAR; *and that he could not be an enemy to one, who was deſerving ſo well of his country: that a year or two more would complete his conqueſts, and reduce all Gaul to a ſtate of peacefull ſubjection: that the cauſe was widely different between* CÆSAR *and the other two; that*

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

Cæsar's *adminiſtration was beneficial, proſperous, glorious to the Republic; theirs, ſcandalous, ignominious, hurtfull to their ſubjects, and contemptible to their enemies.*----In ſhort, he managed the debate ſo, that the Senate came fully into his ſentiments, and decreed *the revocation of* Piso *and* Gabinius [*t*].

He was now likewiſe engaged in pleading two conſiderable cauſes at the Barr; the one in defence of Cornelius Balbus, the other of M. Coelius. Balbus was a native of *Gades* in *Spain*, of a ſplendid family in that City, who, for his fidelity and ſervices to the Roman Generals in that Province, and eſpecially *in the Sertorian war, had the freedom of Rome conferred upon him by* Pompey, *in virtue of a law, which authoriſed him to grant it to as many as he thought proper.* But Pompey's act was now called in queſtion, as originally null and invalid, on a pretence, *that the City of Gades was not within the terms of that alliance and relation to Rome, which rendered its Citizens capable of that privilege.* Pompey and Crassus were his advocates, and at their deſire, Cicero alſo; who had *the third place*, or poſt of honor aſſigned to him, to give the finiſhing hand to the cauſe [*u*]. The proſecution was projected, not ſo much

[*t*] Itaque ego idem, qui nunc Conſulibus iis, qui deſignati erunt, Syriam, Macedoniamque decerno——Quod ſi eſſent illi optimi viri, tamen ego mea ſententia C. Cæſari nondum ſuccedendum putarem. Qua de re dicam, Patres conſcripti, quod ſentio, atque illam interpellationem familiariſſimi mei, qua paullo ante interrupta eſt oratio mea, non pertimeſcam. Negat me vir optimus inimiciorem debere eſſe Gabinio, quam Cæſari; omnem enim illam tempeſtatem, cui ceſſerim, Cæſare impulſore atque adjutore eſſe excitatam. Cui ſi primum ſic reſpondeam, me communis utilitatis habere rationem, non doloris mei. —— Hic me meus in Rempub. animus priſtinus ac perennis, cum C. Cæſare reducit, reconciliat, reſtituit in gratiam. Quod volent denique homines exiſtiment, nemini ego poſſum eſſe bene de Repub. merenti non amicus.——Vid. Orat. de Provin. Conſ. 8, 9, &c.

[*u*] Quo mihi difficilior eſt hic extremus perorandi locus.—Sed mos eſt gerendus, non modo Cornelio, cujus ego voluntati in ejus periculis nullo modo deeſſe poſſum; ſed etiam Cn. Pompeio.—Pro Balbo. 1, 2, &c.

much out of enmity to BALBUS, as to his Patrons, POMPEY and CÆSAR; by whoſe favor he had acquired great wealth and power; being at this time *General of the Artillery to* CÆSAR, and the principal manager or ſteward of all his affairs. The Judges gave ſentence for him, and confirmed his right to the City; from which foundation he was raiſed afterwards, *by* AUGUSTUS, *to the Conſulate it ſelf:* his Nephew alſo, *Young* BALBUS, *who was made free with him at the ſame time, obtained the honor of a triumph, for his victories over the Garamantes*; and, as PLINY tells us, they *were the onely inſtances of Foreigners, and adopted Citizens, who had ever advanced themſelves to either of thoſe honors in Rome* [*w*].

A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

COELIUS, whom he next defended, was a young Gentleman *of Equeſtrian rank*, of great parts and accompliſhments, trained under the diſcipline of CICERO himſelf; to whoſe care he was committed by his Father, upon his firſt introduction into the Forum: before he was of age to hold any Magiſtracy, he had diſtinguiſhed himſelf *by two public impeachments*; the one of C. ANTONIUS, CICERO's collegue in the Conſulſhip, *for conſpiring againſt the ſtate*; the other of L. ATRATINUS, *for bribery and corruption.* ATRATINUS's ſon was now revenging his Father's quarrel, and *accuſed* COELIUS *of public violence, for being concerned in the aſſaſſination of* DIO, *the chief of the Alexandrian embaſſy*; *and of an attempt to poyſon* CLODIA, *the ſiſter of* CLODIUS: he had been this Lady's Gallant; whoſe reſentment for her favors ſlighted by him, was

[*w*] Fuit & Balbus Cornelius major Conſul—Primus externorum, atque etiam in oceano genitorum uſus illo honore.—Hiſt. N. 7. 43.

Garama caput Garamantum: omnia armis Romanis ſuperata, & a Cornelio Balbo triumphata, uno omnium externo curru & Quiritium jure donato: quippe Gadibus nato Civitas Rom. cum Balbo majore patruo data eſt. Ibid. 5. 5.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

was the real ſource of all his trouble. In this ſpeech, Cicero treats *the character and gallantries of* Clodia, *her commerce with* Coelius, *and the gayeties and licentiouſneſs of youth, with ſuch a vivacity of wit and humor*, that makes it one of the moſt entertaining, which he has left to us. Coelius, who was truly *a Libertine*, lived on *the Palatin hill*, in a houſe which he hired of Clodius, and among the other proofs of his extravagance, it was objected, *that a young man, in no public employment, ſhould take a ſeparate houſe from his Father, at the yearly rent of two hundred and fifty pounds:* to which Cicero replied, *that* Clodius, *he perceived, had a mind to ſell his houſe, by ſetting the value of it ſo high; whereas in truth, it was but a little paultry dwelling, of ſmall rent, ſcarce above eighty pounds per annum* [x]. Coelius was acquitted, and ever after profeſſed the higheſt regard for Cicero; with whom he held a correſpondence of Letters, which will give us occaſion to ſpeak more of him, in the ſequel of the Hiſtory.

Cicero ſeems to have compoſed *a little Poem* about this time, in compliment to Cæsar: and excuſes his not ſending it to Atticus, "becauſe Cæsar preſſed to have "it, and he had reſerved no copy: tho' to confeſs "the truth, *he ſays*, he found it very difficult to digeſt "the meanneſs of recanting his old principles. But "adieu, *ſays he*, to all right, true, honeſt counſils: it "is incredible, what perfidy there is in thoſe, who want "to be Leaders, and who really would be ſo, if there "was any faith in them. I felt what they were to my "coſt, when I was drawn in, deſerted, and betrayed "by

[x] Sumptus unius generis objectus eſt, habitationis: triginta millibus dixiſtis eum habitare. Nunc demum intelligo P. Clodii inſulam eſſe venalem, cujus hic in ædiculis habitet, decem, ut opinor, millibus.——Pro Cœlio. 7.

" by them: I reſolved ſtill to act on with them in all
" things; but found them the ſame as before; till by
" your advice I came at laſt to a better mind. You
" will tell me, that you adviſed me indeed to act, but
" not to write; 'tis true; but I was willing to put my
" ſelf under a neceſſity of adhering to my new alliance,
" and preclude the poſſibility of returning to thoſe, who
" inſtead of pitying me, as they ought, never ceaſe en-
" vying me.-----But ſince thoſe, who have no power,
" will not love me, my buſineſs is, to acquire the love
" of thoſe who have: you will ſay, I wiſh that you had
" done it long ago; I know you wiſhed it; and I was
" a mere Aſs, for not minding you [*y*].

A. Urb. 697. Cic. 51. Coſſ. CN. CORNELIUS LENTULUS MARCELLINUS, L. MARCIUS PHILIPPUS.

IN this year alſo, CICERO wrote that celebrated letter to LUCCEIUS, in which he preſſes him, *to attempt the hiſtory of his tranſactions:* LUCCEIUS was a man of eminent learning and abilities, and had juſt finiſhed *the hiſtory of the Italic and Marian civil wars*; with intent to carry it down through his own times, and, in the general relation, to include, as he had promiſed, a particular account of CICERO's acts: but CICERO, who was pleaſed with his ſtile and manner of writing, labors to engage him, in this letter, to poſtpone the deſign of his continued hiſtory, and enter directly on that ſeparate period,

[*y*] Urgebar ab eo, ad quem miſi, & non habebam exemplar. Quid? etiam, (dudum circumrodo, quod devorandum eſt) ſubturpicula mihi videbatur παλινῳδία; ſed valeant recta, vera, honeſta conſilia. Non eſt credibile, quæ ſit perfidia in iſtis principibus, ut volunt eſſe, & ut eſſent, ſi quicquam haberent fidei. Senſeram, noram, inductus, relictus, projectus ab iis: tamen hoc erat in animo, ut cum iis in Repub. conſentirem. Iidem erant, qui fuerant. Vix aliquando te auctore reſipivi. Dices, ea te monuiſſe, quæ facerem, non etiam ut ſcriberem. Ego mehercule mihi neceſſitatem volui imponere hujus novæ conjunctionis, ne qua mihi liceret labi ad illos, qui etiam tum cum miſereri mei debent, non deſinunt invidere. Sed tamen modici fuimus ὑποθέσει, ut ſcripſi——Sed quoniam qui nihil poſſunt, ii me amare nolunt, demus operam, ut ab iis, qui poſſunt, diligamur: dices, vellem jampridem. Scio te voluiſſe, & me aſinum germanum fuiſſe.——Ad Att. 4. 5.

Scribis poema ab eo noſtrum probari.—Ad Quint. 2. 15.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

period, " from the beginning of his Conſulſhip to his " reſtoration; comprehending CATILINE's conſpiracy, " and his own exil." He obſerves, " that this ſhort " interval was diſtinguiſhed with ſuch a variety of inci- " dents, and unexpected turns of fortune, as furniſhed " the happieſt materials, both to the ſkill of the writer, " and the entertainment of the reader; that, when an " author's attention was confined to a ſingle and ſelect " ſubject, he was more capable of adorning it and diſ- " playing his talents, than in the wide and diffuſive field " of general hiſtory; but if he did not think the facts " themſelves worth the pains of adorning, that he would " yet allow ſo much to friendſhip, to affection, and even " to that favor, which he had ſo laudably diſclaimed in " his Prefaces, as not to confine himſelf ſcrupulouſly to " the ſtrict laws of hiſtory, and the rules of truth.---- " That, if he would undertake it, he would ſupply him " with ſome rough memoirs, or commentaries, for the " foundation of his work; if not, that he himſelf ſhould " be forced to do, what many had done before him, " write his own life; a taſk, liable to many exceptions " and difficulties; where a man would neceſſarily be re- " ſtrained by modeſty, on the one hand, or partiality on " the other, either from blaming, or praiſing himſelf, ſo " much as he deſerved, &c. [z]

THIS letter is conſtantly alledged as a proof of CICERO's vanity, and exceſſive love of praiſe: but we muſt conſider it as written, not by a philoſopher, but a ſtateſman, conſcious of the greateſt ſervices to his country, for which he had been barbarouſly treated; and, on that account, the more eager to have them repreſented in an advantageous

[z] Ep. fam. 12.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

geous light; and impatient to taſt ſome part of that glory when living, which he was ſure to reap from them when dead: and as to the paſſage which gives the offence, where he preſſes his friend *to excede even the bounds of truth in his praiſes*; it is urged onely, we ſee, conditionally, and upon an abſurd or improbable ſuppoſition, *that* Lucceius *did not think the acts themſelves really laudable, or worth praiſing*: but whatever exceptions there may be to the morality, there can be none to the elegance and compoſition of the letter; which is filled with a variety of beautifull ſentiments, illuſtrated by examples, drawn from a perfect knowledge of hiſtory; ſo that it is juſtly ranked among the capital pieces of the epiſtolary kind, which remain to us from antiquity. Cicero had employed more than ordinary pains upon it, and was pleaſed with his ſucceſs in it: for he mentions it to Atticus with no ſmall ſatiſfaction, and wiſhed him to get a copy of it from their friend Lucceius. The effect of it was, that Lucceius *undertook what* Cicero *deſired*, and probably made ſome progreſs in it, ſince Cicero ſent him *the memoirs*, which he promiſed, and Lucceius lived many years after, in an uninterrupted friendſhip with him, tho' neither this, nor any other of his writings had the fortune to be preſerved to ſucceding ages [*a*].

All people's eyes and inclinations began now to turn towards Cæsar; who, by the eclat of his victories, ſeemed to rival the fame of Pompey himſelf; and by his addreſs and generoſity, gained ground upon him daily in authority and influence in public affairs. He ſpent the winter

[*a*] Epiſtolam, Lucceio quam miſi—Fac ut ab eo ſumas: valde bella eſt: eumque ut adproperet adhorteris, &, quod mihi ſe ita factu-rum reſcripſit, agas gratias. Ad Att. 4. 6. Tu Lucceio librum noſtrum dabis. Ib. 11.

A. Urb. 697. Cic. 51. Coſſ. Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.

winter at *Luca*; whither a vaſt concourſe of all ranks reſorted to him from *Rome*. Here Pompey and Crassus were again made friends by him; and a project formed, *that they ſhould jointly ſeize the Conſulſhip for the next year, tho' they had not declared themſelves Candidates, within the uſual time.* L. Domitius Ahenobarbus, a profeſſed enemy, was one of the Competitors; who thinking himſelf ſure of ſucceſs, could not forbear bragging, *that he would effect, when Conſul, what he could not do when Prætor; reſcind* Cæsar's *acts, and recall him from his Government* [*b*]; which made them reſolve at all hazards to defeat him. What greatly favored their deſign was the obſtinacy of the Tribun, C. Cato; who, to revenge himſelf on Marcellinus, for not ſuffering him to hold *any aſſemblies of the people, for promulgating his laws, would not ſuffer the Conſuls to hold any, for the choice of the Magiſtrates* [*c*]. *The Triumvirate* ſupported him in this reſolution till the year expired, and the Government fell into *an Inter-regnum*; when by faction and violence, and the terror of troops, poured into the City, *they extorted the Conſulſhip out of the hands of* Domitius, *and ſecured it to themſelves* [*d*]. This made Pompey generally odious, who, in all this heighth of greatneſs, could not defend himſelf from the perpetual railleries and inſults of his adverſaries; which yet he bore with ſingular temper and patience. Marcellinus was conſtantly

[*b*] Sed cum L. Domitius conſulatus Candidatus palam minaretur, Conſulem ſe effecturum, quod Prætor nequiſſet, adempturumque ei exercitus. Craſſum Pompeiumque in urbem Provinciæ ſuæ Lucam extractos compulit, ut detrudendi Domitii cauſa alterum Conſulatum peterent—Sueton. J. Cæſ. 24.

[*c*] Conſul——dies comitiales exemit omnes—C. Cato concionatus eſt, comitia haberi non ſiturum, ſi ſibi cum populo agendi dies eſſent exempti. Ad Quint. 2. 6.

[*d*] Quid enim hoc miſerius, quam eum, qui tot annos, quot habet, deſignatus Conſul fuerit, Conſulem fieri non poſſe? &c. Ad Att. 4. 8. Vid. Dio. p. 103.

conſtantly alarming the City with the danger of his power; and as he was haranguing one day on that ſubject, being encouraged by a general acclamation of the people; *cry out, Citizens,* ſays he, *cry out while you may; for it will not be long in your power to do ſo with ſafety* [*e*]. CN. PISO alſo, a Young Nobleman, who had impeached MANILIUS CRISPUS, a man of Prætorian rank and notoriouſly guilty, being provoked by POMPEY's protection of him, turned his attack againſt POMPEY himſelf, and charged him with many crimes againſt the State; being aſked therefore by POMPEY, why he did not chuſe to impeach him rather than the Criminal, he replied briſkly, *that if he would give bail to ſtand a trial, without raiſing a civil war, he would ſoon bring him before his Judges* [*f*].

DURING the continuance of theſe tumults, occaſioned by the election of the new Conſuls, CICERO retired into the country; where he ſtaid to the beginning of *May*, much out of humor, and diſguſted both with the Republic and himſelf. ATTICUS's conſtant advice to him was, *to conſult his ſafety and intereſt, by uniting himſelf with the men of power*; and they, on their part, were as conſtantly inviting him to it, by all poſſible aſſurances of their affection: but in his anſwers to ATTICUS he obſerves; "that their two caſes were very different; that ATTICUS, "having no peculiar character, ſuffered no peculiar indig- "nity; nothing but what was common to all the Citizens; "whereas his own condition was ſuch, that if he ſpoke

A. Urb. [illegible] Cic. 52. Coſſ. CN. POMPEIUS MAGNUS II. M. LICINIUS CRASSUS II.

[*e*] Acclamate, inquit, Quirites, acclamate, dum licet: jam enim vobis impune facere non licebit.—Val. Max. 6. 2.

[*f*] Da, inquit, prædes Reipub. te, ſi poſtulatus fueris, civile bellum non excitaturum; etiam de tuo prius, quam de Manilii capite, in concilium judices mittam. Ibid.

A. Urb. 698. Cic. 52. Coſſ. Cn. Pompeius Magnus II. M. Licinius Crassus II.

" what he ought to do, he ſhould be looked upon as a " madman; if what was uſefull onely to himſelf, as a " ſlave; if nothing at all, as quite oppreſſed and ſub- " dued: that his uneaſineſs was the greater, becauſe he " could not ſhew it without being thought ungratefull--- " Shall I withdraw my ſelf then, *ſays he*, from buſineſs, " and retire to the port of eaſe? That will not be al- " lowed to me. Shall I follow theſe Leaders to the wars, " and after having refuſed to command, ſubmit to be " commanded? I will do ſo; for I ſee that it is your " advice, and wiſh that I had always followed it: or " ſhall I reſume my poſt, and enter again into affairs? " I cannot perſwade my ſelf to that, but begin to think " Philoxenus in the right; who choſe to be carried " back to priſon, rather than commend the Tyrant's " verſes. This is what I am now meditating; to declare " my diſlike at leaſt of what they are doing [*g*].

Such were the agitations of his mind at this time, as he frequently ſignifies in his letters: he was now at one of his Villa's on the delightfull ſhore of *Baiæ*, the chief place of reſort and pleaſure for the great and rich: Pompey *came thither in April, and no ſooner arrived, than he ſent him his compliments*, and ſpent his whole time with him: *they had much diſcourſe on public affairs, in which* Pompey *expreſſed great uneaſineſs, and owned himſelf diſſatisfied*

[*g*] Tu quidem, etſi es natura πολίτικὸς, tamen nullam habes propriam ſervitutem: communi frueris nomine. Ego vero, qui, ſi loquor de Repub. quod oportet, inſanus, ſi quod opus eſt, ſervus exiſtimor, ſi taceo, oppreſſus & captus; quo dolore eſſe debeo? quo, ſum ſcilicet hoc etiam acriore, quod ne dolere quidem poſſum, ut non ingratus videar. Quid ſi ceſſare libeat & in otii portum confugere? Nequicquam. Immo etiam in bellum & in caſtra: ergo erimus ὀπαδοὶ, qui ταγοὶ eſſe noluimus? Sic faciendum eſt; tibi enim ipſi, cui utinam ſemper paruiſſem, ſic video placere. Reliqui eſt, Σπάρταν ἔλαχες, ταύταν κόσμει; non mehercule poſſum: & Philoxeno ignoſco, qui reduci in carcerem maluit. Veruntamen id ipſum mecum in his locis commentor, ut iſta improbem.—Ad Att. 4. 6.

The ſtory of Dionyſius the Tyrant of Syracuſe, and Philoxenus the Poet, is told by Diodorus Siculus. Lib. 15. p. 331.

diſſatisfied with his own part in them; but CICERO, in his account of the converſation, intimates *ſome ſuſpicion of his ſincerity* [*h*]. In the midſt of this company and diverſion, CICERO's *entertainment was in his ſtudies*; for he never reſided any where without ſecuring to himſelf the uſe of a good library: here he had *the command of* FAUSTUS's, the ſon of SYLLA, and ſon in law of POMPEY; one of the beſt collections of *Italy*; gathered from the ſpoils of *Greece*, and eſpecially of *Athens*, from which SYLLA *brought away many thouſand volumes*. He had no body in the houſe with him, but DIONYSIUS, a learned *Greek ſlave*, whom ATTICUS had made free, and who was entruſted with the inſtruction of *the two young* CICERO's, the Son and the Nephew: *with this companion, he was devouring books, ſince the wretched ſtate of the public had deprived him, as he tells us, of all other pleaſures. I had much rather*, ſays he to ATTICUS, *be ſitting on your little bench under* ARISTOTLE's *picture, than in the Curule chairs of our Great ones; or taking a turn with you in your walks, than with him, whom it muſt, I ſee, be my fate to walk with: as for the ſucceſs of that walk, let Fortune look to it, or ſome God, if there be any, who takes care of us* [*i*]. He mentions in the ſame letter a current report at *Puteoli, that King* PTOLEMY *was reſtored*;

A. Urb. 698. Cic. 52. Coſſ. CN. POMPEIUS MAGNUS II. M. LICINIUS CRASSUS II.

[*h*] Pompeius in Cumanum Parilibus venit: miſit ad me ſtatim qui ſalutem nuntiaret: ad eum poſtridie mane vadebam.—Ad Att. 4. 10.

Nos hic cum Pompeio fuimus: ſane ſibi diſplicens; ut loquebatur; ſic eſt enim in hoc homine dicendum.—— In nos vero ſuaviſſime effuſus; venit etiam ad me in Cumanum a ſe.——Ibid. 9.

[*i*] Ego hic paſcor Bibliotheca Fauſti. Fortaſſe tu putabas his rebus Puteolanis & Lucrinenſibus. Ne iſta quidem deſunt. Sed mehercule a cæteris oblectationibus deſeror & voluptatibus propter Rempub. ſic literis ſuſtentor & recreor; maloque in illa tua ſedecula, quam habes ſub imagine Ariſtotelis, ſedere, quam in iſtorum ſella curuli, tecumque apud te ambulare, quam cum eo, quocum video eſſe ambulandum. Sed de illa ambulatione ſors videret, aut ſi qui eſt, qui curet Deus. Ibid. 10.

Nos hic voramus literas cum homine mirifico, ita mehercule ſentio, Dionyſio. Ibid. 11.

A. Urb. 698. Cic. 52. Coſſ. Cn. Pompeius Magnus II. M. Licinius Crassus II.

reſtored; *and deſires to know, what account they had of it at Rome*: the report was very true; for Gabinius, tempted by Ptolemy's gold and the plunder of *Ægypt*; and encouraged alſo, as ſome write, *by* Pompey *himſelf*, undertook to replace him on the Throne with *his Syrian army*; which he executed with a high hand, and the deſtruction of all the King's enemies; *in open defiance of the authority of the Senate and the direction of the Sibyl*: this made a great noiſe at *Rome*, and irritated the people to ſuch a degree, that they reſolved to make him feel their diſpleaſure for it very ſeverely at his return [*k*].

His Collegue Piso came home the firſt from his nearer Government of *Macedonia*; after an inglorious adminiſtration of a Province, *whence no Conſular Senator had ever returned, but to a triumph*. For tho' on the account of ſome trifling advantage in the field, he had procured himſelf *to be ſaluted Emperor by his army*, yet the occaſion was ſo contemptible, *that he durſt not ſend any letters upon it to the Senate*: but after oppreſſing the ſubjects, plundering the allies, and loſing the beſt part of his troops againſt the neighbouring barbarians, who invaded and laid waſt the country, he ran away in diſguiſe from a mutiny of the ſoldiers, whom he diſbanded at laſt without their pay [*l*]. When he arrived at *Rome*, he ſtript his Faſces of their laurel, and entered the City obſcurely and ignominiouſly, without any other attendance than

[*k*] Vid. Dio. l. 39. p. 116, &c.

[*l*] Ex qua aliquot Prætorio imperio, Conſulari quidem nemo rediit, qui incolumis fuerit, qui non triumpharit. In Piſon. 16.

Ut ex ea provincia, quæ fuit ex omnibus una maxime triumphalis, nullas ſit ad Senatum litteras mittere auſus.——Nuntius ad Senatum miſſus eſt nullus. Ibid. 19.

Mitto de amiſſa maxima parte exercitus—20.——

Dyrrhachium ut venit decedens, obſeſſus eſt ab iis ipſis militibus——Quibus cum juratus affirmaſſet, ſe, quæ deberentur, poſtero die perſoluturum; domum ſe abdidit: inde nocte intempeſta crepidatus, veſte ſervili navem conſcendit.——38.——

than his own retinue [*m*]. On his firſt appearance in public, truſting to the authority of his ſon in law, CÆSAR, he had the hardineſs to attack CICERO, and complain to the Senate of his injurious treatment of him: but when he began *to reproach him with the diſgrace of his exil, the whole Aſſembly interrupted him by a loud and general clamor* [*n*]. Among other things, with which he upbraided CICERO, he told him, *that it was not any envy for what he had done, but the vanity of what he had ſaid, which had driven him into exil; and that a ſingle verſe of his,*

A. Urb. 698. Cic. 52. Coſſ. CN. POMPEIUS MAGNUS II. M. LICINIUS CRASSUS II.

Cedant arma Togæ, concedat laurea linguæ,

was the cauſe of all his calamity; by provoking POMPEY to make him feel, how much *the power of the General was ſuperior to that of the Orator:* he put him in mind alſo, *that it was mean and ungenerous to exert his ſpleen onely againſt ſuch, whom he had reaſon to contemn, without daring to meddle with thoſe, who had more power, and where his reſentment was more due* [*o*]. But it had been better for him to have ſtifled his complaints and ſuffered CICERO to be quiet; who, exaſperated by his imprudent attack, made a reply to him upon the ſpot in *an Invective ſpeech*, the ſevereſt, perhaps, that was ever ſpoken by any man, on the perſon, the parts, the whole life and conduct of PISO; which, as long as the *Roman* name ſubſiſts, muſt deliver

[*m*] Sic iſte——Macedonicus Imperator in urbem ſe intulit, ut nullius negotiatoris obſcuriſſimi reditus unquam fuerit deſertior.—23.

Cum tu——detractam e cruentis faſcibus lauream ad portam Eſquilinam abjeciſti.——Ibid. 30.

[*n*] Tune auſus es meum diſceſſum illum—maledicti & contumeliæ loco ponere? Quo quidem tempore cepi, Patres conſcripti, fructum immortalem veſtri in me amoris—qui non admurmuratione, ſed voce & clamore abjecti hominis—petulantiam fregiſtis.—Ibid. 14.

[*o*] Non ulla tibi, inquit, invidia nocuit, ſed verſus tui.——Hæc res tibi fluctus illos excitavit——Tuæ dicis, inquit, Togæ, ſummum Imperatorem eſſe ceſſurum.——

Paullo ante dixiſti me cum iis confligere, quos deſpicerem; non attingere eos, qui plus poſſent, quibus iratus eſſe deberem.—Ibid. 29, 30, 31.

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deliver down a moſt deteſtable character of him to all poſterity. As to the verſe, with which he was urged, he ridicules the abſurdity of Piso's application of it, and tells him, " that he had contrived a very extraordinary " puniſhment for *poor poets*, if they were to be baniſhed " for every *bad line:* that he was a Critic of a new " kind; not an Aristarchus, but a Grammatical Pha- " laris; who, inſtead of expunging the verſe, was for " deſtroying the author: that the verſe itſelf could not " imply any affront to any man whatſoever: that he was " an aſs, and did not know his letters, to imagine, that " by the Gown, he meant his own gown; or by arms, " the arms of any particular General; and not to ſee, " that he was ſpeaking onely in the Poetical ſtile; and, " as the one was the emblem of peace, the other of war, " that he could mean nothing elſe, than that the tumults " and dangers, with which the City had been threatened, " muſt now give way to peace and tranquillity: that he " might have ſtuck a little indeed in explaning the latter " part of the verſe, if Piso himſelf had not helped him " out; who, by trampling his own *laurel* under foot " at the Gates of *Rome*, had declared how much he " thought it inferior to every other kind of honor----- " that as for Pompey, it was ſilly to think, that after " the volumes, which he had written in his praiſe, one " *ſilly verſe* ſhould make him at laſt his enemy: but " that in truth, he never was his enemy; and if, on a " certain occaſion, he had ſhewn any coldneſs towards " him, it was all owing to the perfidy and malice of " ſuch as Piso; who were continually infuſing jealouſies " and ſuſpicions into him, till they had removed from

" his

" his confidence, all who loved either him, or the Re- A. Urb. 698.
" public [*p*]. Cic. 52.
Coſſ.
CN. POMPEIUS MAGNUS II.
M. LICINIUS CRASSUS II.

ABOUT this time, the Theater, which POMPEY had built at his own charge, for the uſe and ornament of the City, was ſolemnly opened and dedicated: it is much celebrated by the ancients, for its grandor and magnificence: the plan was taken from the Theater of *Mytilene*, but greatly enlarged, ſo as to receive commodiouſly *forty thouſand people*. It was ſurrounded *by a Portico, to ſhelter the company in bad weather, and had a Curia, or Senate-houſe annexed to it; with a Baſilica alſo, or grand Hall, proper for the ſittings of Judges*, or any other public buſineſs: which were all finiſhed *at* POMPEY's *coſt, and adorned with a great number of Images, formed by the ableſt maſters, of men and women, famed for ſomething very remarkable or prodigious in their lives and characters* [*q*]. ATTICUS undertook the care of *placing all theſe ſtatues*, for which POMPEY charged CICERO *with his thanks to him* [*r*]: but what made this Fabric the more ſurprizing and ſplendid, was a *beautifull Temple, erected at one end of it to* VENUS *the Conquereſs; and ſo contrived, that the ſeats of the Theater might ſerve as*

[*p*] Quoniam te non Ariſtarchum, ſed Grammaticum Phalarim habemus, qui non notam apponas ad malum verſum, ſed poetam armis proſequare —— Quid nunc te, Aſine, literas doceam? Non dixi hanc togam, qua ſum amictus, nec arma, ſcutum & gladium unius Imperatoris: ſed quod pacis eſt inſigne & otii, toga; contra autem arma, tumultus ac belli, more poetarum locutus, hoc intelligi volui, bellum ac tumultum paci atque otio conceſſurum —— in altero —— hærerem, niſi tu expediſſes. Nam cum tu —— detractam e cruentis faſcibus lauream ad portam Eſquilinam abjeciſti, indicaſti, non modo ampliſſimæ, ſed etiam minimæ laudi lauream conceſſiſſe— Vis Pompeium iſto verſu inimicum mihi eſſe factum—Primo nonne compenſabit cum uno verſiculo tot mea volumina laudum ſuarum? Veſtræ fraudes,—veſtræ criminationes inſidiarum mearum—effecerunt ut ego excluderer—&c. In Piſon. 30, 31.

[*q*] Pompeius Magnus in ornamentis Theatri mirabiles fama poſuit imagines; ob id diligentius magnorum artificum ingeniis elaboratas: inter quas legitur Eutyche, a viginti liberis rogo illata, enixa triginta partus; Alcippe, Elephantum. Plin. H. 7. 3.

[*r*] Tibi etiam gratias agebat, quod ſigna componenda ſuſcepiſſes. Ad Att. 4. 9.

A. Urb. 698. Cic. 52. Coſſ. Cn. Pompeius Magnus II. M. Licinius Crassus II.

ſtairs to the Temple. This was deſigned, it is ſaid, *to avoid the reproach of making ſo vaſt an expenſe for the mere uſe of luxury; the Temple being ſo placed, that thoſe, who came to the ſhews, might ſeem to come to worſhip the Goddeſs* [*s*].

At the ſolemnity of this dedication, Pompey entertained the people with *the moſt magnificent ſhews*, which had ever been exhibited in *Rome: in the Theater, were ſtage plays, prizes of muſic, wreſtling, and all kinds of bodily exerciſes: in the Circus, horſe-races, and huntings of wild beaſts for five days ſucceſſively; in which five hundred lions were killed*; and on the laſt day, *twenty Elephants: whoſe lamentable howling, when mortally wounded, raiſed ſuch a commiſeration in the multitude, from a vulgar notion of their great ſenſe and love to man, that it deſtroyed the whole diverſion of the ſhew, and drew curſes on* Pompey *himſelf, for being the author of ſo much cruelty* [*t*]. So true it is, what Cicero obſerves of this kind of prodigality; *that there is no real dignity or laſting honor in it; that it ſatiates, while it pleaſes, and is forgotten, as ſoon as it is over* [*u*]. It gives us however

[*s*] Quum Pompeius, inquit, ædem Victoriæ dedicaturus eſſet, cujus gradus vicem Theatri eſſent, &c. A. Gell. X. 1. Vid. Tertull. de Spectac.

Dion Cassius mentions it, as a tradition that he had met with, that this Theater was not really built by Pompey, but by his Freedman, Demetrius, who had made himſelf richer than his maſter, by attending him in his wars; and to take off the envy of raiſing ſo vaſt an eſtate, laid out a conſiderable part of it upon the Theater, and gave the honor of it to Pompey. Dio. p. 107. Senec. de Tranq. Anim. c. 8.

[*t*] Magnificentiſſima vero Pompeii noſtri munera in ſecundo Conſulatu. De Off. 2. 16.

Pompeii quoque altero Conſulatu, dedicatione Templi Veneris Victricis, pugnavere in Circo viginti Elephantes——Amiſſa fugæ ſpe miſericordiam vulgi inenarrabili habitu querentes ſupplicavere, quadam ſeſe lamentatione complorantes, tanto populi dolore, ut oblitus Imperatoris —— Flens univerſus conſurgeret, diraſque Pompeio, quas ille mox luit, pœnas imprecaretur.——Plin. l. 8. 7. Vid. Dio. l. 39. p. 107. It. Plutar. in Pomp.

[*u*] In his infinitis——ſumptibus, nihil nos magnopere mirari: cum nec neceſſitati ſubveniatur, nec dignitas augeatur: ipſaque illa delectatio multitudinis ſit ad breve exiguumque tempus — in quo tamen ipſo una cum ſatietate memoria quoque moriatur voluptatis.——De Off. 2. 16.

ever a genuin Idea of the wealth and grandor of theſe principal ſubjects of *Rome*; who, from their private revenues, could raiſe ſuch noble buildings, and provide ſuch ſhews, from the ſeveral quarters of the world, which no monarch on earth is now able to exhibit.

A. Urb. 698. Cic. 52. Coſſ. Cn. Pompeius Magnus II. M. Licinius Craſſus II.

Cicero, contrary to his cuſtom, was preſent at theſe ſhews, out of compliment to Pompey, and gives a particular account of them to his friend M. Marius, who could not be drawn by them from his books and retreat in the country. " The old actors, *ſays he*, who had left " the ſtage, came on to it again, in honor to Pompey; " but for the ſake of their own honor, ought rather to " have ſtaid away: our friend Æsopus appeared to be " quite ſunk and worn out; ſo that all people ſeemed " willing to grant him his quietus: for in attempting to " raiſe his voice, where he had occaſion to ſwear, his " ſpeech faultered and failed him----In the other plays, " the vaſt apparatus and crowded machinery, which " raiſed the admiration of the mob, ſpoiled the enter- " tainment: ſix hundred mules, infinite treaſures of " plate, troops of horſe and foot fighting on the ſtage--- " The huntings indeed were magnificent; but what " pleaſure to a man of taſt, to ſee a poor weak fellow " torn to pieces by a fierce beaſt; or a noble beaſt ſtruck " dead with a ſpear? the laſt day's ſhew of Elephants, " inſtead of delight, raiſed a general compaſſion, and " an opinion of ſome relation between that animal and " man: but leſt you ſhould think me wholly happy, in " theſe days of diverſion, I have almoſt burſt myſelf in " the defence of your friend Gallus Caninius: if the " City would be as kind to me, as they are to Æsopus,

A. Urb. 698. Cic. 52. Coſſ. Cn. Pompeius Magnus II. M. Licinius Crassus II.

" I would willingly quit the ſtage, to live with you, and " ſuch as you, in a polite and liberal eaſe [x].

The City continued for a great part of this ſummer without its annual Magiſtrates: for the elections, which had been poſtponed from the laſt year, were ſtill kept off by the Conſuls, till they could ſettle them to their minds, and ſecure them to their own Creatures: which they effected at laſt, except in the caſe of *two Tribuns*, who ſlipt into the office againſt their will: but the moſt remarkable repulſe was, of M. Cato *from the Prætorſhip*, which was given to Vatinius; from the beſt Citizen, to the worſt. Cato, upon his return from *the Cyprian* voyage, was complimented by the Senate for that ſervice with *the offer of the Prætorſhip in an extraordinary manner* [y]. But he declined the compliment, thinking it more agreeable to his character, to obtain it in the ordinary way, by the free choice of the people: but when the election came on, in which he was thought ſure of ſucceſs, Pompey *broke up the aſſembly, on pretence of ſomewhat inauſpicious in the heavens, and by intrigue and management got* Vatinius *declared Prætor, who had been repulſed the year before with diſgrace from the Ædileſhip* [z]: but this being carried by force of money, and likely to produce an impeachment of Vatinius, Afranius moved for a decree, *that the Prætors ſhould not be queſtioned for bribery after their election*; which paſſed againſt the general humor of the Senate; *with an exception onely, of ſixty days, in which they were to be conſidered as private men.* The pretence for the decree was, that ſo much of the year

[x] Ep. fam. 7. 1.

[y] Cujus miniſterii gratia Senatus relationem interponi jubebat, ut Prætoriis Comitiis extra ordinem ratio ejus haberetur. Sed ipſe id fieri paſſus non eſt.——Val. Max. 4. 1. Plutar. in Cato.

[z] Proxima dementiæ ſuffragia—quoniam quem honorem *Catoni* negaverant, *Vatinio* dare coacti ſunt. Val. Max. 7. 5. Plut. in Pomp.

year being ſpent, the whole would paſs without any Prætors at all, if a liberty of impeaching was allowed: *from this moment*, ſays CICERO, *they have given the excluſion to* CATO; *and, being maſters of all, reſolve that all the world ſhall know it* [*a*]. A. Urb. 698. Cic. 52. Coſſ. CN. POMPEIUS MAGNUS II. M. LICINIUS CRASSUS II.

CICERO's *Palatin houſe*, and the adjoining *Portico of* CATULUS, were now finiſhed; *and as he and his brother were the Curators likewiſe of the repairs of the Temple of* TELLUS [*b*], ſo they ſeem to have provided ſome Inſcriptions for theſe buildings in honor and memory of themſelves: but ſince no public inſcriptions could be ſet up, unleſs by public authority, they were apprehenſive of an oppoſition from CLODIUS. CICERO mentioned the caſe to POMPEY, who promiſed his aſſiſtance, but adviſed him to talk alſo with CRASSUS, which he took occaſion to do, as he attended him home one day from the Senate. CRASSUS readily undertook the affair, and told him, *that* CLODIUS *had a point to carry for himſelf by* POMPEY's *help and his, and that if* CICERO *would not oppoſe* CLODIUS, *he was perſwaded that* CLODIUS *would not diſturb him; to which* CICERO *conſented.* CLODIUS's buſineſs was, to procure one of thoſe *free or honorary Lieutenancies, that he might go with a public character to* BYZANTIUM, *and King* BROGITARUS, to gather the money, which they owed him for paſt ſervices. *As it is a mere money matter*, ſays CICERO, *I ſhall not concern my ſelf about it, whether I gain my own point or not, though* POMPEY *and* CRASSUS *have jointly undertaken it:* but he ſeems

[*a*] A. D. III. Id. Maii S. C. factum eſt de ambitu in Afranii ſententiam.——Sed magno cum gemitu Senatus. Conſules non ſunt perſecuti eorum ſententias: qui Afranio cum eſſent aſſenſi, addiderunt, ut Prætores ita crearentur, ut dies LX. privati eſſent. Eo die Catonem plane repudiarunt. Quid multa? Tenent omnia, idque ita omnes intelligere volunt. Ad Quint. 2. 9.

[*b*] Quod Ædes Telluris eſt curationis meæ. De Haruſp. reſp. 14.

A. Urb. 698. Cic. 52. Coſſ. Cn. Pompeius Magnus II. M. Licinius Crassus II.

ſeems to have obtained what he deſired, ſince, beſides the intended Inſcriptions, he mentions *a ſtatue alſo of his Brother, which he had actually erected at the Temple of* Tellus [c].

Trebonius, one of the Tribuns, in the intereſts of the Triumvirate, publiſhed a law, *for the aſſignment of Provinces to the Conſuls for the term of five years: to* Pompey, Spain *and* Afric; *to* Crassus, Syria *and the Parthian war, with a power of raiſing what forces they thought fit: and that* Cæsar's *commiſſion ſhould be renewed alſo for five years more.* The law was oppoſed by the generality of the Senate; and above all, *by* Cato, Favonius, *and two of the Tribuns,* C. Ateius Capito *and* P. Aquilius Gallus: but the ſuperior force of the Conſuls and the other Tribuns prevailed, and cleared the Forum by violence of all their opponents.

The law no ſooner paſſed, than Crassus began to prepare for his Eaſtern expedition; and was in ſuch haſt to ſet forward, that he left *Rome* above two months before the expiration of his Conſulſhip: his eagerneſs to involve the Republic in a deſperate war, for which the *Parthians* had given no pretext, was generally deteſted by the City: *the Tribun* Ateius *declared it impious, and prohibited by all the auſpices; and denounced direfull imprecations againſt it*; but finding Crassus determined to march in defiance of all religion, he waited for him at the gates of the City, *and having dreſſed up a little altar,*

[c] Multa nocte cum Vibullio veni ad Pompeium. Cumque ego egiſſem de iſtis operibus & inſcriptionibus, per mihi benigne reſpondit.—Cum Craſſo ſe dixit loqui velle, mihique, ut idem facerem, ſuaſit. Craſſum Conſulem ex Senatu domum reduxi: ſuſcepit rem, dixitque eſſe quod Clodius hoc tempore cuperet ſe, & per Pompeium conſequi. Putare ſe, ſi ego eum non impedirem, poſſe me adipiſci ſine contentione quod vellem — &c. Ad Quint. 2. 9.

Reddita eſt mihi pervetus Epiſtola—in qua de Æde Telluris, & de porticu Catuli me admones. Fit utrumque diligenter. Ad Telluris etiam tuam Statuam locavi. Ibid. 3. 1.

altar, ſtood ready with a fire and ſacrifice to devote him to deſtruction [*d*]. ATEIUS *was afterwards turned out of the Senate by* APPIUS, *when he was Cenſor, for falſifying the auſpices on this occaſion*; *but the* miſerable fate of CRASSUS ſupported the credit of them; and confirmed the vulgar opinion *of the inevitable force of thoſe ancient rites, in drawing down the divine vengeance on all, who preſumed to contemn them* [*e*]. APPIUS was one of *the Augurs*; and the onely one of the College, who maintained *the truth of their auguries, and the reality of divination*; *for which he was laughed at by the reſt*; who charged him alſo with an abſurdity, in the reaſon, which he ſubſcribed, for his Cenſure upon ATEIUS, *viz. that he had falſifyed the auſpices, and brought a great calamity on the Roman people: for if the auſpices, they ſaid, were falſe, they could not poſſibly have any effect, or be the cauſe of that calamity* [*f*]. But tho' they were undoubtedly forged, it is certain however, that they had a real influence on the overthrow of CRASSUS: for the terror of them had deeply poſſeſſed the minds of the ſoldiers, and made them turn every thing which they ſaw, or heard, *to an omen of their ruin*; ſo that when the enemy appeared in ſight, they were ſtruck with ſuch a panic, that they had not courage or ſpirit enough left, to make a tolerable reſiſtance.

A. Urb. 698. Cic. 52. Coſſ. CN. POMPEIUS MAGNUS II. M. LICINIUS CRASSUS II.

CRASSUS was deſirous, before he left *Rome*, to be reconciled to CICERO: they had never been real friends, but generally

[*d*] Dio. l. 39. p. 109. Plut. in Craſſ.—

[*e*] M. Craſſo quid acciderit, videmus, dirarum obnunciatione neglecta.—De Divin. 1. 16.

[*f*] Solus enim multorum annorum memoria, non decantandi Augurii, ſed divinandi tenuit diſciplinam: quem irridebant Collegæ tui, eumque tum Piſidam, tum Soranum Augurem eſſe dicebant. Quibus nulla videbatur in Auguriis aut Auſpiciis præſenſio.—Ibid. 47.

In quo Appius, bonus Augur — Non ſatis ſcienter——Civem egregium, Ateium Cenſor notavit, quod ementitum auſpicia ſubſcripſerit.——Quæ ſi falſa fuiſſet nullam adferre potuiſſet cauſam calamitatis.—Ibid. 16.

A. Urb. 698. Cic. 52. Coſſ. Cn. Pompeius Magnus II. M. Licinius Crassus II.

generally oppoſite in party; and Cicero's early engagements with Pompey, kept him of courſe at a diſtance from Crassus: their coldneſs was ſtill encreaſed on account of Catiline's *plot*, of which Crassus was ſtrongly ſuſpected; and charged Cicero with being the author of that ſuſpicion: they carried it however on both ſides with much decency, out of regard to Crassus's ſon, Publius, a profeſſed admirer and diſciple of Cicero; till an accidental debate in the Senate blew up their ſecret grudge into an open quarrel. The debate was upon Gabinius, whom Crassus undertook to defend, with many ſevere reflections upon Cicero; who replied with no leſs acrimony, and gave a free vent *to that old reſentment of* Crassus's *many injuries, which had been gathering*, he ſays, *ſeveral years, but lain dormant ſo long, that he took it to be extinguiſhed, till, from this accident, it burſt out into a flame.* The quarrel gave great joy to the chiefs of the Senate; who highly applauded Cicero, in hopes to embroil him with *the Triumvirate:* but Pompey labored hard to make it up, and Cæsar alſo by letter expreſſed his uneaſineſs upon it; and begged it of Cicero, as a favor, to be reconciled with Crassus: ſo that he could not hold out againſt an interceſſion ſo powerfull, and ſo well enforced by his affection *to young* Crassus: their reconciliation was confirmed by mutual profeſſions of a ſincere friendſhip for the future; and Crassus, *to give a public teſtimony of it to the City, invited himſelf, juſt before his departure, to ſup with* Cicero; *who entertained him in the gardens of his ſon in law*, Crassipes [g]. Theſe gardens were upon *the banks of the Tiber*, and ſeem to have been

[g] Repentinam ejus Gabinii defenſionem—Si ſine ulla mea contumelia ſuſcepiſſet, tuliſſem: ſed cum me diſputantem, non laceſſentem læſiſſet, exarſi non ſolum præſenti, credo

been famous for their beauty and ſituation [*h*]: and are the onely proof, which we meet with, of the ſplendid fortunes and condition of CRASSIPES.

A. Urb. 698. Cic. 52. Coſſ. CN. POMPEIUS MAGNUS II. M. LICINIUS CRASSUS II.

CICERO ſpent a great part of the ſummer in the country, in ſtudy and retreat; *pleaſed*, he ſays, *that he was out of the way of thoſe ſquabbles, where he muſt either have defended what he did not approve, or deſerted the man, whom he ought not to forſake* [*i*]. In this retirement, he put the laſt hand to his piece, *on the Complete Orator*, which he ſent to ATTICUS, and promiſes alſo to ſend to LENTULUS; telling him, *that he had intermitted his old taſk of orations, and betaken himſelf to the milder and gentler ſtudies, in which he had finiſhed to his ſatisfaction three books, by way of dialogue, on the ſubject of the Orator, in* ARISTOTLE's *manner; which would be of uſe to his ſon, young* LENTULUS; *being drawn, not in the ordinary way of the ſchools, and the dry method of precepts, but comprehending all that the ancients, and eſpecially* ARISTOTLE *and* ISOCRATES, *had taught on the Inſtitution of an Orator* [*k*].

THE three books contain as many Dialogues, *upon the character and Idea of the perfect Orator:* the principal

credo, iracundia (nam ea tam vehemens fortaſſe non fuiſſet) ſed cum incluſum illud odium multarum ejus in me injuriarum, quod ego effudiſſe me omne arbitrabar, reſiduum tamen inſciente me fuiſſet, omne repente apparuit—Cúmque Pompeius ita contendiſſet, ut nihil unquam magis, ut cum Craſſo redirem in gratiam; Cæſarque per literas maxima ſe moleſtia ex illa contentione affectum oſtenderet: habui non temporum ſolum meorum rationem, ſed etiam naturæ. Craſſuſque, ut quaſi teſtata populo Romano eſſet noſtra gratia, pæne a meis Laribus in provinciam eſt profectus. Nam cum mihi condixiſſet, cœnavit apud me in mei Generi Craſſipedis hortis.——Ep. fam. 1. 9.

[*h*] Ad Quint. 3. 7. . Ad Att. 4. 12.

[*i*] Ego afuiſſe me in altercationibus, quas in Senatu factas audio, fero non moleſte; nam aut defendiſſem quod non placeret, aut defuiſſem cui non oporteret. Ad Att. 4. 13.

[*k*] Scripſi etiam, (nam ab orationibus dijungo me fere, referoque ad manſuetiores muſas) ſcripſi igitur Ariſtoteleo more, quemadmodum quidem volui, tres libros in diſputatione & dialogo de Oratore, quos arbitror Lentulo tuo non fore inutiles. Abhorrent enim a communibus præceptis: ac omnem antiquorum, & Ariſtoteleam & Iſocrateam rationem Oratoriam complectuntur. Ep. fam. 1. 9.

A. Urb. 698. Cic. 52. Coſſ. Cn. Pompeius Magnus II. M. Licinius Crassus II.

ſpeakers were P. Crassus, and M. Antonius; perſons of the firſt dignity in the Republic, and the greateſt Maſters of Eloquence, which *Rome* had then known: they were near *forty years older than* Cicero, *and the firſt* Romans, *who could pretend to diſpute the prize of Oratory with the Greeks; and who carried the latin tongue to a degree of perfection, which left little or no room for any farther improvement* [*l*]. The diſputation was undertaken *at the deſire, and for the inſtruction of two Young Orators of great hopes:* C. Cotta *and* P. Sulpicius; who were then beginning to floriſh at the Barr: Cicero *himſelf was not preſent at it, but being informed by* Cotta, *of the principal heads and general argument of the whole, ſupplied the reſt from his own invention, agreeably to the different ſtile and manner, which thoſe great men were known to purſue; and with deſign to do honor to the memory of them both, but eſpecially of* Crassus, *who had been the director of his early ſtudies*; and to whom he aſſigns the defence of that notion, which he himſelf always entertained, of the character of a Conſummate Speaker [*m*].

Atticus was excedingly pleaſed with this treatiſe, and commended it to the ſkies; but objected to the propriety *of diſmiſſing* Scævola *from the diſputation, after he had once been introduced into the firſt dialogue.* Cicero defends

[*l*] Craſſus—quatuor & triginta tum habebat annos, totidemque annis mihi ætate præſtabat—Triennio ipſo minor quam Antonius, quod idcirco poſui, ut dicendi latine prima maturitas qua ætate extitiſſet, poſſet notari; & intelligeretur, jam ad ſummum pæne eſſe perductam, ut eo nihil ferme quiſquam addere poſſet, niſi qui a Philoſophia, a jure civili, ab hiſtoria fuiſſet inſtructior. Brut. 275.

Nunc ad Antonium, Craſſumque pervenimus. Nam ego ſic exiſtimo hos Oratores fuiſſe maximos: & in his primum cum Græcorum gloria latine dicendi copiam æquatam—— Ibid. 250.

[*m*] Nos enim, qui ipſi ſermoni non interfuiſſemus, & quibus C. Cotta tantummodo locos, ac ſententias hujus diſputationis tradidiſſet, quo in genere orationis utrumque Oratorem cognoveramus, id ipſum ſumus in eorum ſermone adumbrare conati.—De Orat. 3. 4.

Ut ei, (Craſſo) et ſi nequaquam parem illius ingenio, at pro noſtro tamen ſtudio meritam gratiam debitamque referamus——Ibid.——

fends himſelf by the example *of their God*, PLATO, as he calls him, in his book on Government; where the Scene being laid in the houſe of an old Gentleman, CEPHALUS, *the old man, after bearing a part in the firſt converſation, excuſes himſelf, that he muſt go to prayers, and returns no more*; PLATO *not thinking it ſuitable to the character of his age, to be detained in the Company through ſo long a diſcourſe: that, with greater reaſon therefore, he had uſed the ſame caution in the caſe of* SCÆVOLA; *ſince it was not decent to ſuppoſe a perſon of his dignity, extreme age, and infirm health, ſpending ſeveral days ſucceſſively in another man's houſe: that the firſt day's dialogue related to his particular profeſſion, but the other two turned chiefly on the rules and precepts of the art, where it was not proper for one of* SCÆVOLA's *temper and character to aſſiſt onely as a hearer* [*n*]. This admirable work remains intire, a ſtanding monument of CICERO's parts and abilities; which, while it exhibits to us the Idea of a perfect Orator, and marks out the way, by which CICERO formed himſelf to that character, explanes the reaſon likewiſe why no body has ſince equalled him, or ever will, till there be found again united, what will hardly be found ſingle in any man, *the ſame induſtry and the ſame parts.*

A. Urb. 698. Cic. 52. Coſſ. CN. POMPEIUS MAGNUS II. M. LICINIUS CRASSUS II.

CICERO returned to *Rome* about the middle of *November*, to aſſiſt at MILO's wedding, who married FAUSTA, a rich and noble Lady, the daughter *of* SYLLA *the Dictator* [*o*]; with whom, as ſome writers ſay, he found SALLUST *the Hiſtorian in bed not long after, and*

[*n*] Quod in iis libris, quos laudas, perſonam deſideras Scævolæ. Non eam temere dimovi, ſed feci idem, quod in πολιτείᾳ Deus ille noſter, Plato. Cum in Piræeum Socrates veniſſet ad Cephalum, locupletem & feſtivum ſenem, quoad primus ille ſermo haberetur adeſt in diſputando Senex—&c. Ad Att. 4. 16.

[*o*] Ad Att. 4. 13. 5. 8.

had him ſoundly laſhed, before he diſmiſſed him [*p*]. The Conſuls, POMPEY and CRASSUS, having reaped all the fruit, which they had propoſed from the Conſulſhip, *of ſecuring to themſelves the Provinces, which they wanted*, were not much concerned about the choice of their ſucceſſors; ſo that after poſtponing the election to the end of the year, they gave way at laſt to their enemy, L. DOMITIUS AHENOBARBUS; being content to have joined with him their friend, APPIUS CLAUDIUS PULCHER.

A. Urb. 699. Cic. 53. Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.

As ſoon as the new year came on, CRASSUS's enemies began to attack him in the Senate: their deſign was to revoke his commiſſion, or abridge it at leaſt of the power *of making war upon the Parthians:* but CICERO exerted himſelf ſo ſtrenuouſly in his defence, that he baffled their attempts, after a warm conteſt with *the Conſuls themſelves and ſeveral of the Conſular Senators.* He gave CRASSUS an account of the debate by letter, in which he tells him, *that he had given proof, not onely to his friends and family, but to the whole City, of the ſincerity of his reconciliation; and aſſures him of his reſolution to ſerve him, with all his pains, advice, authority, intereſt, in every thing great or ſmall, which concerned himſelf, his friends, or clients; and bids him look upon that Letter, as a league of amity, which on his part ſhould be inviolably obſerved* [*q*].

THE month of *February* being generally employed in *giving audience to foreign Princes and Embaſſadors*, ANTIOCHUS, *King of Comagene, a territory on the banks of the Euphrates* [*r*], preferred a petition to the Senate, for ſome new honor or privilege, which was commonly decreed

[*p*] Vid. A. Gell. l. 17. c. 18.

[*q*] Has literas velim exiſtimes fœderis habituras eſſe vim, non epiſtolæ; meque ea, quæ tibi promitto ac recipio, ſanctiſſime eſſe obſervaturum.——Ep. fam. 5. 8.

[*r*] Ibid. 15. 1, 3, 4.

decreed to Princes in alliance with the Republic: but CICERO, being in a rallying humor, made the petition ſo ridiculous, *that the houſe rejected it, and at his motion, reſerved likewiſe out of his juriſdiction one of his principal Towns, Zeugma; in which was the chief bridge and paſſage over the Euphrates.* CÆSAR, in his Conſulſhip, *had granted to this King the honor of the Prætexta, or the robe of the Roman Magiſtrates*; which was always diſagreeable to the nobility, who did not care to ſee theſe petty Princes put upon the ſame rank with themſelves: ſo that CICERO, *calling out upon the nobles, will you,* ſays he, *who refuſed the Prætexta to the King of Boſtra, ſuffer this Comagenian to ſtrut in purple!* But this diſappointment was not more mortifying to the King, than it was to the Conſuls, whoſe beſt perquiſites were drawn from theſe compliments, which were always repaid by rich preſents; *ſo that* APPIUS, *who had been lately reconciled to* CICERO, *and paid a particular court to him at this time, applied to him by* ATTICUS *and their common friends, to ſuffer the petitions of this ſort to paſs quietly, nor deſtroy the uſual harveſt of the month, and make it quite barren to him* [s].

A. Urb. 699. Cic. 53. Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.

CICERO made an excurſion this ſpring to viſit his ſeveral ſeats and eſtates in the country; and, in his *Cuman Villa*, began *a Treatiſe on politics; or on the beſt ſtate of a City, and the duties of a Citizen:* he calls it *a great and laborious work, yet worthy of his pains, if he could ſuccede in it;*

[s] De Comageno Rege, quod rem totam diſcuſſeram, mihi & per ſe & per Pomponium blanditur Appius. Videt enim, ſi hoc genere dicendi utar in cæteris, Februarium ſterilem futurum. Eumque luſi jocoſe ſatis: neque ſolum illud extorſi oppidulum, quod erat poſitum in Euphrate, Zeugma; ſed præterea togam ejus prætextam, quam erat adeptus Cæſare Conſule, magno hominum riſu cavillatus.—Vos autem homines nobiles, qui Boſtrenum Prætextatum non ferebatis, Comagenum feretis?——Multa dixi in ignobilem Regem, quibus totus eſt exploſus. Quo genere commotus Appius totum me amplexatur.——Ad Quint. 2. 12.

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

it; *if not*, *I ſhall throw it*, ſays he, *into that ſea*, *which is now before me*, *and attempt ſomething elſe*, *ſince it is impoſſible for me to be idle.* It was drawn up in the form of *a dialogue*, in which the greateſt perſons of the old Republic were introduced, debating on the origin and beſt conſtitution of government; Scipio, Lælius, Philus, Manilius, &c. [*t*] The whole was to be diſtributed into nine books, each of them the ſubject of one day's diſputation: when he had finiſhed the two firſt, they were read in *his Tuſculan Villa* to ſome of his friends; where Sallust, who was one of the company, adviſed him to change his plan, and treat the ſubject *in his own perſon*, *as* Aristotle *had done before him*; *alledging*, *that the introduction of thoſe ancients*, *inſtead of adding gravity*, *gave an air of Romance to the argument*, *which would have the greater weight*, *when delivered from himſelf*; *as being the work*, *not of a little Sophiſt*, *or contemplative Theoriſt*, *but of a Conſular Senator*, *and Stateſman*, *converſant in the greateſt affairs*, *and writing what his own practice*, *and the experience of many years had taught him to be true.* Theſe reaſons ſeemed very plauſible, and made him think of altering his ſcheme; eſpecially ſince by throwing the ſcene ſo far back, he precluded himſelf from touching on thoſe important revolutions of the Republic, which were later than the period, to which he confined himſelf: but after ſome deliberation, being unwilling to throw away *the two books*, already finiſhed, with which he was much pleaſed, he reſolved to

[*t*] Scribebam illa, quæ dixeram πολιτικὰ, ſpiſſum ſane opus & operoſum: ſed ſi ex ſententia ſucceſſerit, bene erit opera poſita; ſin minus, in illud ipſum mare dejiciemus, quod ſcribentes ſpectamus; aggrediemur alia, quoniam quieſcere non poſſumus. Ibid. 14.

Hanc ego, quam inſtitui, de Repub. diſputationem in Africani perſonam & Phili, & Lælii & Manilii contuli, &c.—Rem, quod te non fugit, magnam complexus ſum & gravem, & plurimi otii, quod ego maxime egeo. Ad Att. 4. 16.

to ſtick to the old plan, and as he had preferred it from the firſt, *for the ſake of avoiding offence*, ſo he purſued it without any other alteration, than that of reducing the number of books from *nine to ſix*; in which form they were afterwards publiſhed, and ſurvived him for ſeveral ages, tho' now unfortunately loſt [*u*].

A. Urb. 699. Cic. 53. Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.

FROM the fragments of this work, which ſtill remain, it appears to have been a noble performance, and one of his capital pieces; where all the important queſtions in politics and morality were diſcuſſed with the greateſt elegance and accuracy; *of the origin of Society*; *the nature of law and obligation*; *the eternal difference of right and wrong*; *of juſtice being the onely good policy, or foundation either of public or private proſperity:* ſo that he calls *his ſix books ſo many pledges, given to the public, for the integrity of his conduct* [*w*]. The younger SCIPIO was the principal ſpeaker of the Dialogue, whoſe part it

[*u*] Sermo autem in novem & dies & libros diſtributus de optimo ſtatu civitatis & de optimo cive.——Hi libri, cum in Tuſculano mihi legerentur, audiente Salluſtio; admonitus ſum ab illo, multo majore auctoritate illis de rebus dici poſſe, ſi ipſe loquerer de Repub. præſertim cum eſſem non Heraclides Ponticus, ſed conſularis & is, qui in maximis verſatus in Repub. rebus eſſem: quæ tam antiquis hominibus attribuerem, ea viſum iri ficta eſſe.— Commovit me, & eo magis, quod maximos motus noſtræ civitatis attingere non poteram, quod erant inferiores, quam illorum ætas qui loquebantur. Ego autem id ipſum tum eram ſecutus, ne in noſtra tempora incurrens offenderem quempiam.——Ad Quint. 3. 5.

This will ſolve that variation which we find in his own account of this work, in different parts of his writings: and why FANNIUS, who in ſome places is declared to be a ſpeaker in it, [ad Att. 4. 16. ad Quint. 3. 5.] is denied to be ſo in others; being dropt, when the number of books was contracted.

JOHANNES TWINUS, (who was made Bachelor of Civil Law at *Oxford* in 1524; and was afterwards Maſter of the free ſchool in *Canterbury*, and Mayor of that City in 1553; and who died in 1581,) in his *Commentarii de rebus Albionicis, &c.* ſays, that by a fire, which happened at *Canterbury* not many years before, the library founded by THEODORE, (who was Archbiſhop of *Canterbury* in the year 668,) and greatly improved by Archbiſhop CHICHELEY, was burnt; and in it, among many thouſands of other books, a copy of CICERO's Treatiſe *de Republica:* of which he farther ſays, that another copy was reported to be preſerved in *Italy*. Edit. Lond. 1590. p. 114.

SOMNER tells us, that this fire happened in the night time, by the careleſſneſs of ſome drunken ſervants in the Monaſtery of *Chriſt's Church*, ſhortly after the death of WILLIAM SELLING, Prior of that Monaſtery, (who died in 1494,) by whom ſeveral valuable manuſcripts of ancient authors had been brought thither from *Italy*. Antiq. of Canterb. par. 3. p. 148. Edit. 2. Battely. 1703. fol.

[*w*] Cum ſex libris, tanquam prædibus me ipſum obſtrinxerim, quos tibi tam valde probari gaudeo. Ad Att. 6. 1.

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

it was, *to aſſert the excellence of the Roman conſtitution, preferably to that of all other ſtates* [x]: who, in the ſixth book, under *the fiction of a dream*, which is ſtill preſerved to us, takes occaſion to inculcate *the doctrine of the immortality of the ſoul and a future ſtate*, in a manner ſo lively and entertaining, that it has been the ſtanding pattern ever ſince to the wits of ſucceding ages, for attempting the ſame method of inſtilling moral leſſons, in the form of dreams or viſions.

He was now drawn at laſt into a particular intimacy and correſpondence of Letters with Cæsar; who had long been endeavouring to engage him to his friendſhip, and with that view, had invited *his brother*, Quintus, to be one of *his Lieutenants in Gaul*; where Quintus, to pay his court the better to his General, joined heartily in preſſing his Brother *to an union with him*, inſtead of adhering ſo obſtinately to Pompey, *who*, as he tells him, *was neither ſo ſincere, nor ſo generous a friend as* Cæsar [y]. Cicero did not diſlike the advice, and expreſſed a readineſs to comply with it, of which Balbus gave an intimation to Cæsar, with *a Letter alſo incloſed, from* Cicero *himſelf*; but the packet happening to fall into water, the Letters were all deſtroyed, except *a ſcrap or two* of Balbus's, to which Cæsar returned anſwer; *I perceive, that you had written ſomewhat about* Cicero, *which I could not make out: but as far as I can gueſs, it was ſomething rather to be wiſhed, than hoped for* [z]. But

[x] An cenſes, cum in illis de Repub. libris perſuadere videatur Africanus, omnium Rerumpub. noſtram veterem illam fuiſſe optimam?——De Leg. 2. 10. vid. ib. 1. 6, 9.

[y] De Pompeio aſſentior tibi, vel tu potius mihi, nam, ut ſcis, jampridem iſtum canto Cæſarem. Ad Quint. 2. 13.

[z] Ille ſcripſit ad Balbum, faſciculum illum Epiſtolarum, in quo fuerat & mea & Balbi, totum ſibi aqua madidum eſſe: ut ne illud quidem ſciat, meam fuiſſe aliquam epiſtolam. Sed ex Balbi epiſtola pauca verba intellexerat, ad quæ reſcripſit his verbis. De Cicerone video te quiddam ſcripſiſſe, quod ego non intellexi; quantum autem conjectura conſequebar, id erat hujuſmodi, ut magis optandum, quam ſperandum putarem. Ad Quint. 2. 12.

But CICERO ſent another copy of the ſame Letter, which came ſafe to his hands, written, as he ſays, *in the familiar ſtile, yet without departing from his dignity.* CÆSAR anſwered him with all imaginable kindneſs, and the offer of every thing, in which his power could ſerve him, telling him, *how agreeable his Brother's company was to him, by the revival of their old affection; and ſince he was now removed to ſuch a diſtance from him, he would take care, that in their mutual want of each other, he ſhould have cauſe at leaſt to rejoice, that his Brother was with him, rather than any one elſe. He thanks him alſo for ſending the Lawyer* TREBATIUS *to him, and ſays upon it jocoſely, that there was not a man before in his army, who knew how to draw a recognizance.*-----CICERO, in his account of this Letter to his Brother, ſays; "it is kind "in you, and like a Brother, to preſs me to this "friendſhip, tho' I am running that way apace my ſelf, "and ſhall do, what often happens to travellers, who "riſing later than they intended, yet by quickening "their ſpeed, come ſooner to their journey's end, than "if they had ſet out earlier, ſo I, who have over-ſlept "my ſelf in my obſervance of this man, tho' you "were frequently rouſing me, will correct my paſt la-"zineſs by mending my pace for the future."----But as to his ſeeking any advantage or perſonal benefit from this alliance, *believe me*, ſays he, *you who know me; I have from him already what I moſt value, the aſſurance of his affection, which I prefer to all the great things that he offers me*---[*a*]. In another letter he ſays; *I lay no great*

A. Urb. 699. Cic. 53. Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.

 ſtreſs

[*a*] Cum Cæſaris literis, refertis omni officio, diligentia, ſuavitate — Quarum initium eſt, quam ſuavis ei tuus adventus fuerit, & recordatio veteris amoris; deinde ſe effecturum, ut

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

ſtreſs on his promiſes, want no farther honors, nor deſire any new glory, and wiſh nothing more, but the continuance of his eſteem, yet live ſtill in ſuch a courſe of ambition and fatigue, as if I were expecting, what I do not really deſire [*b*].

But tho' he made no uſe of Cæsar's generoſity for himſelf, yet he uſed it freely for his friends: for beſides his Brother, who was Cæsar's *Lieutenant*, and Trebatius, who was *his Lawyer*, he procured an eminent poſt for Orfius, and a Regiment for Curtius; yet Cæsar was chiding him all the while *for his reſervedneſs in aſking* [*c*]. His recommendatory Letter of Trebatius will ſhew both what a ſhare he poſſeſſed at this time of Cæsar's confidence, and with what an affectionate zeal he uſed to recommend his friends.

" Cicero to Cæsar Emperor.

" See, how I have perſwaded my ſelf to conſider you " as a ſecond ſelf; not onely in what affects my own " intereſt, but in what concerns my friends: I had re- " ſolved, whitherſoever I went abroad, to carry C. Tre- " batius along with me; that I might bring him home, " adorned

ut ego in medio dolore ac deſiderio tui, te, cum a me abeſſes, potiſſimum ſecum eſſe lætarer.—Trebatium quod ad ſe miſerim, perfalſe & humaniter etiam gratias mihi agit: negat enim in tanta multitudine eorum, qui una eſſent, quempiam fuiſſe, qui vadimonium concipere poſſet.——

Quare facis tu quidem fraterne, quod me hortaris, ſed mehercule currentem nunc quidem, ut omnia mea ſtudia in iſtum unum conferam, &c.

Sed mihi crede, quem noſti, quod in iſtis rebus ego plurimi æſtimo, jam habeo:——deinde Cæſaris tantum in me amorem, quem omnibus his honoribus, quos me a ſe expectare vult, antepono.——Ad Quint. 2. 15.

[*b*] Promiſſis iis, quæ oſtendit, non valde pendeo: nec honores ſitio, nec deſidero gloriam: magiſque ejus voluntatis perpetuitatem, quam promiſſorum exitum expecto. Vivo tamen in ea ambitione & labore, tanquam id, quod non poſtulo, expectem. Ibid. 3. 5.

[*c*] M. Curtio Tribunatum ab eo petivi.—Ibid. 2. 15. Ep. fam. 7. 5.

De Tribunatu—mihi ipſe Cæſar nominatim Curtio paratum eſſe reſcripſit, meamque in rogando verecundiam objurgavit. Ad Quint. 3. 1.

" adorned with the fruits of my care and kindneſs: but A. Urb. 699. Cic. 53. Coſſ.
" ſince POMPEY's ſtay in *Rome* has been longer, than I
" expected, and my own irreſolution, to which you are L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.
" no ſtranger, will either wholly hinder, or at leaſt,
" retard my going abroad at all; ſee, what I have taken
" upon my ſelf: I began preſently to reſolve, that TRE-
" BATIUS ſhould expect the ſame things from you, which
" he had been hoping for from me: nor did I aſſure
" him with leſs frankneſs of your good will, than I uſed
" to do of my own: but a wonderfull incident fell out,
" both as a teſtimony of my opinion, and a pledge of
" your humanity; for while I was talking of this very
" TREBATIUS at my houſe, with our friend BALBUS,
" your Letter was delivered to me; in the end of
" which you ſaid, *as to* M. ORFIUS, *whom you recom-*
" *mended to me, I will make him even King of Gaul, or*
" *Lieutenant to Lepta: ſend me another therefore, if you*
" *pleaſe, whom I may prefer.* We lifted up our hands,
" both I and BALBUS; the occaſion was ſo pat, that it
" ſeemed not to be accidental, but divine. I ſend you
" therefore TREBATIUS; and ſend him ſo, as at firſt in-
" deed I deſigned, of my own accord, but now alſo by
" your invitation: embrace him, my dear CÆSAR, with
" all your uſual courteſy; and whatever you could be
" induced to do for my friends, out of your regard to
" me, confer it all ſingly upon him. I will be anſwerable
" for the man, not in my former ſtile, which you juſtly
" rallied, when I wrote to you about MILO, but in the
" true Roman phraſe, which men of ſenſe uſe; that
" there is not an *honeſter, worthier, modeſter man living:*
" I muſt add, what makes the principal part of his
" character, that he has a ſingular memory and perfect

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

" knowledge of the Civil Law. I aſk for him, neither " a Regiment nor Government, nor any certain piece " of preferment; I aſk your benevolence and generoſi- " ty; yet am not againſt the adorning him, whenever " you ſhall think proper, with thoſe trappings alſo of " glory: in ſhort, I deliver the whole man to you, " from my hand, as we ſay, into yours, illuſtrious for " victory and faith. But I am more importunate than " I need to be to you; yet I know you will excuſe it. " Take care of your health, and continue to love me, " as you now do [*d*].

Trebatius was of a lazy, indolent, ſtudious temper; a lover of books and good company; eagerly fond of the pleaſures of *Rome*; and wholly out of his element in a Camp: and becauſe Cæsar, through the infinite hurry of his affairs, could not preſently admit him to his familiarity, and prefer him ſo ſoon as he expected, he was tired of the drudgery of attending him, and impatient to be at home again. Under theſe circumſtances, there is a ſeries of Letters to him from Cicero, written not onely with the diſintereſted affection of a friend, but the ſolicitude even of a parent, employing all the arts of inſinuation, as well of the grave as of the facetious kind, to hinder him from ruining his hopes and fortunes by his own imprudence. " He laughs at his childiſh hankering after " the City; bids him reflect on the end, for which he " went abroad, and purſue it with conſtancy; obſerves " from *the* Medea *of* Euripides, that many had ſerved " themſelves and the public well, at a diſtance from " their Country; whilſt others, by ſpending their lives " at home, had lived and died ingloriouſly; of which " number,

[*d*] Ep. fam. 7. 5.

" number, *ſays he*, you would have been one, if we A. Urb. 699.
" had not thruſt you out; and ſince I am now acting Cic. 53.
" MEDEA, take this other leſſon from me, *that he, who* Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.
" *is not wiſe for himſelf, is wiſe to no purpoſe* [*e*]."
He rallies his impatience, or rather " imprudence, as if
" he had carried a bond, not a Letter to CÆSAR; and
" thought, that he had nothing to do, but to take his
" money and return home; not recollecting, that even
" thoſe, who followed King PTOLEMY with bonds to
" *Alexandria*, had not yet brought back a penny of
" money [*f*]. You write me word, *ſays he*, that CÆSAR
" now conſults you; I had rather hear, that he conſults
" your intereſt [*g*]. Let me die, if I do not believe,
" ſuch is your vanity, that you had rather be conſulted,
" than enriched by him [*h*]." By theſe railleries and perpetual admonitions he made TREBATIUS aſhamed of his ſoftneſs, and content to ſtay with CÆSAR, by whoſe favor and generoſity he was cured at laſt of all his uneaſineſs; and having here laid the foundation of his fortunes, floriſhed afterwards in the court of AUGUSTUS, with the character of the moſt learned Lawyer of that age [*i*].

CÆSAR was now upon his ſecond expedition into *Britain*; which raiſed much talk and expectation at *Rome*, and

[*e*] Tu modo ineptias iſtas & deſideria urbis & urbanitatis depone: & quo conſilio profectus es, id aſſiduitate & virtute conſequere.——

Nam multi ſuam rem bene geſſere & poplicam, patria procul.
Multi, quei domi ætatem agerent, propterea ſunt improbati.

Quo in numero tu certe fuiſſes, niſi te extruſiſſemus—& quando Medeam agere cœpi, illud ſemper memento, qui ipſe ſibi ſapiens prodeſſe non quit, nequicquam ſapit. Ep. fam. 7. 6.

[*f*] Subimpudens videbare; tanquam enim ſyngrapham ad Imperatorem, non epiſtolam attuliſſes, ſic, pecunia ablata, domum redire properabas. Nec tibi in mentem veniebat, eos ipſos, qui cum ſyngraphis veniſſent Alexandriam, nummum adhuc nullum auferre potuiſſe. Ibid. 17.

[*g*] Conſuli quidem te a Cæſare ſcribis; ſed ego tibi ab illo conſuli vellem.—Ibid. 11.

[*h*] Moriar, ni, quæ tua gloria eſt, puto te malle a Cæſare conſuli, quam inaurari. Ibid. 13.

[*i*] ——Niſi quid tu, docte Trebati,
Diſſentis.——— Hor. Sat. 2. 1. 79.

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

and gave Cicero *no ſmall concern* for the ſafety of his Brother, who, as one *of* Cæsar's *Lieutenants*, was to bear a conſiderable part in it [*k*]. But the accounts which he received from the place, ſoon eaſed him of his apprehenſions, by informing him, *that there was nothing either to fear, or to hope from the attempt; no danger from the people, no ſpoils from the Country* [*l*]. In a Letter to Atticus, *we are in ſuſpenſe*, ſays he, *about the Britiſh war: it is certain, that the acceſs of the Iſland is ſtrongly fortified; and it is known alſo already, that there is not a grain of ſilver in it, nor any thing elſe, but ſlaves; of whom you will ſcare expect any, I dare ſay, ſkilled in Muſic or Letters* [*m*]. In another to Trebatius; *I hear, that there is not either any gold or ſilver in the Iſland: if ſo, you have nothing to do but to take one of their chariots, and fly back to us* [*n*].

From their railleries of this kind on *the barbarity and miſery of our Iſland*, one cannot help reflecting on the ſurpriſing fate and revolutions of Kingdoms: how *Rome*, once the miſtreſs of the world, the ſeat of arts, empire, and glory, now lies ſunk in ſloth, ignorance, and poverty; enſlaved to the moſt cruel, as well as to the moſt contemptible of Tyrants, *Superſtition and religious Impoſture:* while this remote Country, anciently the jeſt and contempt of *the polite Romans*, is become the happy ſeat

[*k*] Ex Quinti fratris literis ſuſpicor jam eum eſſe in Britannia: ſuſpenſo animo expecto quid agat.——Ad Att. 4. 15.

[*l*] O jucundas mihi tuas de Britannia literas! Timebam oceanum, timebam littus Inſulæ. Reliqua non equidem contemno.——Ad Quint. 1. 16.

De Britannicis rebus cognovi ex tuis literis, nihil eſſe nec quod metuamus, nec quod gaudeamus.——Ibid. 3. 1.

[*m*] Britannici belli exitus expectatur. Conſtat enim aditus inſulæ munitos eſſe mirificis molibus. Etiam illud jam cognitum eſt, neque argenti ſcripulum eſſe ullum in illa inſula, neque ullam ſpem prædæ, niſi ex mancipiis; ex quibus nullos puto te literis, aut muſicis eruditos expectare. Ad Att. 4. 16.

[*n*] In Britannia nihil eſſe audio neque auri neque argenti. Id ſi ita eſt, eſſedum aliquod ſuadeo capias, & ad nos quam primum recurras. Ep. fam. 7. 7.

Fert Britannia aurum & argentum & alia metalla, pretium victoriæ. Tacit. Vit. Agric. c. 12.

ſeat of liberty, plenty, and letters; floriſhing in all the arts and refinements of civil life; yet running perhaps the ſame courſe, which *Rome* itſelf had run before it; from virtuous induſtry to wealth; from wealth to luxury; from luxury to an impatience of diſcipline and corruption of morals; till by a total degeneracy and loſs of virtue, being grown ripe for deſtruction, it falls a prey at laſt to ſome hardy oppreſſor, and, with the loſs of liberty, loſing every thing elſe, that is valuable, ſinks gradually again into its original barbariſm.

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

Cicero, taking it for granted, that Trebatius followed Cæsar *into Britain*, begins to joke with him upon *the wonderfull figure that a Britiſh Lawyer would make at Rome; and, as it was his profeſſion to guard other people's ſafety, bids him beware that he himſelf was not caught by the Britiſh charioteers* [o]. But Trebatius, it ſeems, knew how to take care of himſelf without Cicero's advice; and when Cæsar paſſed over to *Britain*, choſe to ſtay behind in *Gaul:* this gave a freſh handle for raillery; and Cicero *congratulates him*, "upon being arrived at laſt into a Country, where he "was thought to know ſomething; that if he had gone "over alſo to *Britain*, there would not have been a man "in all that great Iſland wiſer than himſelf.-----" He obſerves, "that he was much more cautious in military, "than in civil conteſts; and wonders, that being ſuch "*a lover of ſwimming*, he could not be perſwaded to "*ſwim* in the Ocean; and when he could not be kept "away from every ſhew of Gladiators at *Rome*, had not "the curioſity to ſee *the Britiſh Charioteers:* he rejoices "however

[o] Mira enim perſona induci poteſt Britannici Juris conſulti. Ep. fam. 7. 11. Tu, qui cæteris cavere didiciſti, in Britannia ne ab Eſſedariis decipiaris caveto. Ibid. 6.

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

" however after all, that he did not go; ſince they " ſhould not now be troubled with the impertinence of " his Britiſh ſtories [*p*].

Quintus Cicero, who had a genius for poetry, was projecting the plan *of a poem, upon their Britiſh expedition, and begged his Brother's aſſiſtance in it:* Cicero approved the deſign, and obſerved upon it, *that the nature and ſituation of places ſo ſtrange, the manners of the people, their battels with them, and the General himſelf,* Cæsar, *were excellent ſubjects for poetry; but as to his aſſiſtance, it was ſending owls to Athens: that* Quintus, *who had finiſhed four tragedies in ſixteen days, could not want either help or fame in that way, after his* Electra *and* the Troades [*q*]. In other letters, he anſwers more ſeriouſly; *that it was impoſſible to conceive, how much he wanted leiſure for verſifying: that to write verſes required an eaſe and chearfullneſs of mind, which the times had taken from him; and that his poetical flame was quite*

[*p*] Eſt, quod gaudeas, te in iſta loca veniſſe, ubi aliquid ſapere viderere: quod ſi in Britanniam quoque profectus eſſes, profecto nemo in illa tanta inſula te peritior fuiſſet——Sed tu in re militari multo es cautior quam in advocationibus: qui neque in oceano *natare* voluiſti, homo *ſtudioſiſſimus natandi*, neque ſpectare Eſſedarios, quem antea ne Audabatam quidem defraudare poteramus. Ibid. 10.

In Britanniam te profectum non eſſe gaudeo, quod & labore caruiſti, & ego te de illis rebus non audiam. Ibid. 17.

To learn to ſwim was a conſtant part of education of the Roman youth. Vid. Sueton. Aug. c. 64. Jul. 57. Notaſque Pitiſci.

The little hint here given, of Trebatius's *love of ſwimming*, adds a new light and beauty to that paſſage of Horace, where the Poet introduces him, adviſing, *to ſwim thrice croſs the Tiber*, to cure the want of ſleep; the advice, it ſeems, being peculiarly agreeable to his own practice and character.

——————*ter uncti*
Tranſnanto Tiberim, ſomno quibus eſt opus alto.
Sat. 2. 1. v. 8.

[*q*] Te vero ὑπόθεσιν ſcribendi egregiam habere video. Quos tu ſitus, quas naturas rerum & locorum, quos mores, quas gentes, quas pugnas, quem vero ipſum Imperatorem habes? Ego te libenter, ut rogas, quibus rebus vis, adjuvabo, & tibi verſus, quos rogas, γλαῦκα εἰς Αθήνας mittam. Ad Quint. 2. 16.

Quatuor Tragœdias, cum xvi diebus abſolviſſe ſcribas, tu quidquam ab alio mutuaris? & κλέος quæris, cum Electram & Troadem ſcripſeris?——Ibid. 3. 6.

N. B. Theſe *four Tragedies*, ſaid to be written in *ſixteen days*, cannot be ſuppoſed to have been original productions, but tranſlations from ſome of the Greek Poets, of which Quintus was a great Maſter; finiſhed by him in haſt for the entertainment of the Camp: for the word *Troadem* in the text, the name of one of them, ſhould moſt probably be *Troades*, the title of one of Euripides's Plays; as the *Electra* alſo was.

quite extinguiſhed by the ſad proſpect of things before them [*r*]. A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

He had ſent Cæsar *his Greek Poem in three books, on the hiſtory of his Conſulſhip*; and Cæsar's judgement upon it was, *that the beginning of it was as good as any thing, which he had ever ſeen in that language, but that the following lines, to a certain place, were not equal in accuracy and ſpirit.* Cicero deſires therefore to know of his Brother, *what* Cæsar *really thought of the whole; whether the matter or the ſtile diſpleaſed him; and begs that he would tell him the truth freely; ſince, whether* Cæsar *liked it or not, he ſhould not*, he ſays, *be a jot the leſs pleaſed with himſelf* [*s*]. He began however another Poem, at his Brother's earneſt requeſt, to be addreſſed to Cæsar, but after ſome progreſs was ſo diſſatisfied with it, that he tore it [*t*]: yet Quintus ſtill urging, and ſignifying, *that he had acquainted* Cæsar *with the deſign*, he was obliged to reſume it, and actually finiſhed an *Epic Poem in honor of* Cæsar; *which he promiſes* to ſend, as ſoon as he could find a proper conveyance, *that it might not be loſt, as* Quintus's *Tragedy of* Erigone *was in coming from Gaul; the onely thing*, ſays he, *which had not found a ſafe paſſage, ſince* Cæsar *governed that Province* [*u*].

[*r*] Quod me de faciendis verſibus rogas, incredibile eſt, mi frater, quantum egeam tempore—Facerem tamen ut poſſem, ſed—Opus eſt ad poema quadam animi alacritate, quam plane mihi tempora eripiunt.——Ibid. 3. 5.

De verſibus——deeſt mihi opera, quæ non modo tempus, ſed etiam animum ab omni cura vacuum deſiderat: ſed abeſt etiam ἐνθουσιασμὸς—&c. Ibid. 4.

[*s*] Sed heus tu, celari videor a te, quomodonam, mi frater, de noſtris verſibus Cæſar? Nam primum librum ſe legiſſe ſcripſit ad me ante: & prima ſic, ut neget ſe ne Græca quidem meliora legiſſe; reliqua ad quendam locum ῥαθυμώτερα. Hoc enim utitur verbo. Dic mihi verum, num aut res eum aut χαρακτὴς non delectat? Nihil eſt quod vereare. Ego enim ne pilo quidem minus me amabo.——Ibid. 2. 16.

[*t*] Poema ad Cæſarem, quod compoſueram, incidi.——Ibid. 3. 1. § 4.

[*u*] Quod me inſtitutum ad illum Poema jubes perficere; etſi diſtentus tum opera, tum animo

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

WHILE CICERO was expreſſing no ſmall diſſatisfaction at the meaſures, which his preſent ſituation obliged him to purſue, CÆSAR was doing every thing in his power, to make him eaſy: *he treated his Brother with as much kindneſs, as if* CICERO *himſelf had been his General; gave him the choice of his winter quarters, and the Legion, which he beſt liked* [x]: *and* CLODIUS *happening to write to him from Rome, he ſhewed the Letter to* QUINTUS, *and declared that he would not anſwer it; tho'* QUINTUS *civilly preſſed him not to put ſuch an affront upon* CLODIUS *for their ſakes* [y]. In the midſt of all his hurry in *Britain*, he ſent frequent accounts to CICERO in his own hand of his progreſs and ſucceſs, and at the inſtant of quitting the Iſland, *wrote to him from the very ſhore, of the embarkment of the troops, and his having taken hoſtages and impoſed a Tribute: and leſt he ſhould be ſurprized at having no Letters at the ſame time from his Brother*, he acquaints him, *that* QUINTUS *was then at a diſtance from him, and could not take the benefit of that expreſs:* CICERO received all *theſe Letters at Rome, in leſs than a month after date, and takes notice in one of them, that it arrived on the twentieth day*; a diſpatch equal to that of our preſent Couriers by the poſt [z].

As

animo ſum multo magis, quoniam ex epiſtola, quam ad te miſeram, cognovit Cæſar me aliquid eſſe exorſum; revertar ad inſtitutum.—Ibid. 8.

Quod me hortaris, ut abſolvam, habeo abſolutum ſuave, mihi quidem uti videtur, ἐπῳ ad Cæſarem. Sed quæro locupletem tabellarium, ne accidat quod Erigonæ tuæ; cui ſoli, Cæſare Imperatore, iter ex Gallia tutum non fuit. Ibid. 9.

[x] Quintum meum—Dii boni! quemadmodum tractat, honore, dignitate, gratia? Non ſecus ac ſi ego eſſem Imperator. Hibernam Legionem eligendi optio delata commodum, ut ad me ſcribit.——Ad Att. 4. 18.

[y] In qua primum eſt de Clodii ad Cæſarem literis, in quo Cæſaris conſilium probo, quod tibi amantiſſime petenti veniam non dedit, ut ullum ad illam Furiam verbum reſcriberet.——Ad Quint. 3. 1. § 4.

[z] Ab Quinto fratre & a Cæſare accepi A. D. IX. Kal. Nov. literas, confecta Britannia, obſidibus acceptis, nulla præda, imperata tamen pecunia, datas a littoribus Britanniæ, proximo A. D. VI. Kal. Octob. exercitum Britannia reportabant. Ad Att. 4. 17.

Ex

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

As to the news of the City this ſummer, Cicero tells his Brother, *that there were ſome hopes of an election of Magiſtrates, but thoſe uncertain; ſome ſuſpicion of a Dictator, yet that not more certain; a great calm in the Forum; but of a City, ſeemed to be quieted rather by the effects of age, than of concord: that his own conduct, as well in public, as in private, was juſt what* Quintus *had adviſed, ſofter than the tip of his ear; and his votes in the Senate ſuch, as pleaſed others, rather than himſelf.*

Such ills does wretched war and diſcord breed,

that bribery was never carried ſo high, as at this time, by the Conſular Candidates, Memmius, Domitius, Scaurus, Messala; *that they were all alike; no eminence in any; for money levelled the dignity of them all: that above eighty thouſand pounds was promiſed to the firſt Tribe; and money grown ſo ſcarce, by this profuſion of it, that intereſt was riſen from four to eight per Cent.* [*a*].

Memmius *and* Cn. Domitius, who joined their intereſts, made a ſtrange ſort of contract with the Conſuls, which was drawn up in writing, and atteſted in proper form by many of their friends on both ſides; by which, *the Conſuls obliged themſelves, to ſerve them with all their*

Ex Britannia Cæſar ad me Kal. Sept. dedit literas: quas ego accepi A. D. IIII. Kal. Octob. ſatis commodas de Britannicis rebus: quibus, ne admirer, quod a te nullas acceperim, ſcribit ſe fine te fuiſſe, cum ad mare acceſſerit. Ad Quint. 3. 1. § 7.

Cum hanc jam Epiſtolam complicarem, tabellarii a vobis venerunt ad D. XI. Kal. Sept. viceſimo die. Ibid. 3. 1. § 5.

[*a*] Res Romanæ ſic ſe habebant. Erat nonnulla ſpes comitiorum, ſed incerta: erat aliqua ſuſpicio Dictaturæ, ne ea quidem certa: ſummum otium forenſe; ſed ſeneſcentis magis civitatis, quam adquieſcentis. Sententia autem noſtra in Senatu ejuſmodi, magis ut alii nobis aſſentiantur, quam noſmet ipſi.——

Τοιαυθ' ὁ τλήμων πόλεμος ἐξεργάζεται.—
Eurip. Iketid.

Ambitus redit immanis, nunquam par fuit. Ad Quint. 2. 15.

Sequere me nunc in Campum. Ardet ambitus: σῆμα δέ τοι ἐρέω; fœnus ex triente Idib. Quint. factum erat beſſibus——ἐξοχὴ in nullo eſt, pecunia omnium dignitatem exæquat.——Ad Att. 4. 15.

A. Urb. 699. Cic. 53. Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.

power in the enſuing election; and they on their part undertook, when elected, to procure for the Conſuls what Provinces they deſired; and gave a bond of above 3000 *l. to provide three Augurs, who ſhould teſtify, that they were preſent at making a law, for granting them thoſe Provinces, when no ſuch law had ever been made; and two Conſular Senators, who ſhould affirm, that they were preſent likewiſe at paſſing a decree of the Senate, for furniſhing the ſame provinces with arms and money, when the Senate had never been conſulted about it* [*b*]. MEMMIUS, *who was ſtrongly ſupported by* CÆSAR [*c*], finding ſome reaſon to diſlike his bargain, reſolved to break it, and, by POMPEY's *advice, gave an account of it to the Senate.* POMPEY was pleaſed with the opportunity of mortifying *the Conſul* DOMITIUS; and willing likewiſe *to take ſome revenge on* APPIUS, who, tho' his near relation, *did not enter ſo fully as he expected into his meaſures* [*d*]: but CÆSAR *was much out of humor at this ſtep* [*e*]; as it was likely to raiſe great ſcandal in the City, and ſtrengthen the intereſt of thoſe, who were endeavouring to reſtrain that infamous corruption, which was the main inſtrument of advancing his power. APPIUS *never changed countenance, nor loſt any credit by the diſcovery; but his collegue* DOMITIUS, who affected the character of a Patriot,

[*b*] Conſules flagrant infamia, quod C. Memmius candidatus pactionem in Senatu recitavit, quam ipſe & ſuus competitor Domitius cum Conſulibus feciſſent, uti ambo H. S. quadragena Conſulibus darent, ſi eſſent ipſi Conſules facti, niſi tres Augures dediſſent, qui ſe adfuiſſe dicerent, cum lex curiata ferretur, quæ lata non eſſet; & duo Conſulares, qui ſe dicerent in ornandis provinciis conſularibus ſcribendo affuiſſe, cum omnino ne Senatus quidem fuiſſet. Hæc pactio non verbis ſed nominibus & perſcriptionibus, multorum tabulis cum eſſe facta diceretur, prolata a Memmio eſt nominibus inductis, auctore Pompeio.——Ad Att. 4. 18.

[*c*] Memmium Cæſaris omnes opes confirmant.——Ibid. 15. 17.

[*d*] Dio. l. 39. p. 118.

[*e*] Ut qui jam intelligebamus enuntiationem illam Memmii valde Cæſari diſplicere—Ad Att. 4. 16.

Patriot, *was extremely diſcompoſed*; *and* MEMMIUS, *now grown deſperate, reſolved to promote the general diſorder and the creation of a Dictator* [*f*]. A. Urb. 699. Cic. 53. Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.

QUINTUS ſent his Brother word from *Gaul, that it was reported there, that he was preſent at this contract:* but CICERO aſſures him that it was falſe, and *that the bargain was of ſuch a nature, as* MEMMIUS *had opened it to the Senate, that no honeſt man could have been preſent at it* [*g*]. The Senate was highly incenſed; and, to check the inſolence of the parties concerned, *paſſed a decree, that their conduct ſhould be inquired into by what they called a private, or ſilent judgement*; where the Sentence was not to be declared till after the election, yet ſo, as to make void the election of thoſe, who ſhould be found guilty: this they reſolved to execute with rigor, and *made an allotment of Judges for that purpoſe:* but ſome of the Tribuns were prevailed with *to interpoſe their negative, on pretence of hindering all inquiſitions, not ſpecially authorized by the people* [*h*].

THIS deteſtable bargain of forging laws and decrees at pleaſure, in which ſo many of the firſt rank were concerned, either as principals or witneſſes, is alledged by an ingenious *French* writer, as a flagrant inſtance of *that Libertiniſm, which haſtened the deſtruction of Rome* [*i*].

So

[*f*] Hic Appius erat idem; nihil ſane jacturæ. Corruerat alter, & plane, inquam, jacebat. Memmius autem—plane refrixerat, & eo magis nunc cogitare dictaturam, tum favere juſtitio & omnium rerum licentiæ.—— Ibid. 18.

[*g*] Quod ſcribis te audiſſe, in Candidatorum Conſularium coitione me interfuiſſe, id falſum eſt. Ejuſmodi enim pactiones in iſta coitione factæ ſunt, quas poſtea Memmius patefecit, ut nemo bonus intereſſe debuerit.—— Ad Quint. 3. 1. § 5.

[*h*] At Senatus decrevit ut tacitum judicium ante comitia fieret—Magnus timor Candidatorum. Sed quidam Judices—Tribunos pl. appellarunt, ne injuſſu populi judicarent. Res cedit: comitia dilata ex S. C. dum lex de tacito judicio ferretur. Venit legi dies. Terentius interceſſit.——Ad Att. 4. 16.

[*i*] Conſiderations ſur les cauſes de la grandeur, &c. des Romains. C. X.

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

So far are private vices from being public benefits, that this great Republic, of all others the moſt free and floriſhing, owed the loſs of its Liberty to nothing elſe but a general defection of its Citizens, from the probity and diſcipline of their anceſtors. Cicero often foretells their approaching ruin from this very cauſe; and when he bewails the wretchedneſs of the times, uſually joins *the wretchedneſs of their morals*, as the genuin ſource of it [*k*].

But leſt theſe corrupt Candidates ſhould eſcape without puniſhment, they were all publicly impeached by different Proſecutors, and the City was now in a great ferment about them; *ſince*, as Cicero ſays, *either the men or the laws muſt neceſſarily periſh: yet they will all*, ſays he, *be acquitted; for trials are now managed ſo corruptly, that no man will ever be condemned for the future, unleſs for murther* [*l*]. But Q. Scævola, one of the Tribuns, took a more effectual way to mortify them, by reſolving to hinder any election of Conſuls during his Magiſtracy; in which he perſevered, and by his authority *diſſolved all the aſſemblies, convened for that purpoſe* [*m*]. The *Tribunician Candidates* however were remarkably modeſt this year: for they made an agreement among themſelves, which they all confirmed by an oath, *that in proſecuting their ſeveral intereſts, they would ſubmit*

[*k*] His præſertim moribus atque temporibus, quibus ita prolapſa Reſp. eſt, ut omnium opibus refrænanda, ac coercenda ſit. De Divin. 2. 2.

Qui ſit Rempub. afflictam & oppreſſam miſeris temporibus, ac perditis moribus, in veterem dignitatem & libertatem vindicaturus.—Ep. fam. 2. 5.

[*l*] De ambitu poſtulati ſunt omnes, qui conſulatum petant——Magno res in motu eſt. Propterea quod aut hominum aut legum interitus oſtenditur.——Ad Quint. 3. 2.

Sed omnes abſolventur, nec poſthac quiſquam damnabitur, niſi qui hominem occiderit. Ad Att. 4. 16.

[*m*] Comitiorum quotidie ſinguli dies tolluntur obnuntiationibus, magna voluntate bonorum.——Ad Quint. 3. 3.

Obnuntiationibus per Scævolam interpoſitis, ſingulis diebus.——Ad Att. 4. 16.

ſubmit their conduct to the judgement of CATO, *and depoſit four thouſand pounds apiece in his hands, to be forfeited by thoſe, whom he ſhould condemn of any irregular practice. If the election proves free,* ſays CICERO, *as it is thought it will,* CATO *alone can do more than all the Laws and all the Judges* [*n*]. A. Urb. 699. Cic. 53. Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.

A GREAT part of this year was taken up in public trials: SUFFENAS and C. CATO, who had been Tribuns two years before, were tried in the beginning of *July, for violence and breach of peace* in their Magiſtracy, and both acquitted: but PROCILIUS, one of their Collegues, *was condemned for killing a Citizen in his own houſe: whence we are to collect,* ſays CICERO, *that our Areopagites value neither bribery, nor elections, nor interregnums, nor attempts againſt the State, nor the whole Republic a ruſh: they would not have us murther a man indeed in his own houſe; yet do not forbid even that very ſtrongly, ſince twenty two acquitted* PROCILIUS, *when twenty eight condemned him* [*o*]. CLODIUS was the accuſer in theſe impeachments: which made CATO, as ſoon as he was acquitted, *ſeek a reconciliation with* CICERO *and* MILO [*p*]. It was not CICERO's buſineſs to reject the friendſhip of an active and popular Senator; and MILO had occaſion for his ſervice in his approaching ſuit for the Conſulſhip. But tho' CICERO had no concern in theſe trials, he was continually employed in others, through the reſt of the ſummer:

[*n*] Tribunitii Candidati jurarunt ſe arbitrio Catonis petituros: apud eum H. S. quingena depoſuerunt; ut qui a Catone damnatus eſſet, id perderet, & competitoribus tribueretur—Si comitia, ut putantur, gratuita fuerint; plus unus Cato potuerit, quam omnes quidem judices. Ibid. 15. Ad Quint. 2. 15.

[*o*] III. Non. Quint. Suffenas & Cato abſoluti: Procilius condemnatus. Ex quo intellectum eſt, τρισαρειοπαγίτας, ambitum, comitia, interregnum, majeſtatem, totam denique Rempub. flocci non facere. Debemus patrem familias domi ſuæ occidere nolle, neque tamen id ipſum abunde. Nam abſolverunt 22, condemnarunt 28.——Ad Att. 4. 15.

[*p*] Is tamen & mecum & cum Milone in gratiam rediit. Ibid. 16.

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ſummer: *I was never*, ſays he, *more buſy in trials than now; in the worſt ſeaſon of the year, and the greateſt heats, that we have ever known; there ſcarce paſſes a day in which I do not defend ſome* [q]. Beſides his Clients in the City, he had ſeveral Towns and Colonies under his patronage, which ſometimes wanted his help abroad, as the Corporation of *Reate* did now, to plead for them before *the Conſul* Appius, *and ten Commiſſioners*, in a controverſy with their neighbours of *Interamna*, *about draining the lake Velinus into the river Nar, to the damage of their grounds*. He returned from this cauſe in the midſt of *the Apollinarian ſhews*; and to relieve himſelf from the fatigue of his journey went directly *to the Theater, where he was received by an univerſal clap*: in the account of which to Atticus, he adds, *but this you are not to take notice of, and I am a fool indeed my ſelf for mentioning it* [r].

He now alſo defended Messius, one of Cæsar's Lieutenants, *who came from Gaul on purpoſe to take his trial*: then Drusus, accuſed *of prevaricating or betraying a a cauſe, which he had undertaken to defend*; *of which he was acquitted by a majority onely of four voices*: after that Vatinius, the laſt year's *Prætor*, and Æmilius Scaurus, one of the Conſular Candidates, *accuſed of plundering the Province of Sardinia* [s]; and about the ſame

[q] Sic enim habeto nunquam me a cauſis & judiciis diſtrictiorem fuiſſe, atque id anni tempore graviſſimo, & caloribus maximis. Ad Quint. 2. 16.

Diem ſcito eſſe nullum, quo non dico pro reo. Ibid. 3. 3.

[r] Reatini me ad ſua τιμαπ duxerunt, ut agerem cauſam contra Interamnates—— Redii Romam—Veni in ſpectaculum; primum magno & æquabili plauſu, (ſed hoc ne curaris; ego ineptus qui ſcripſerim)—Ad Att. 4. 15.

[s] Meſſius defendebatur a nobis, e legatione revocatus—Deinde me expedio ad Druſum, inde ad Scaurum.——Ibid.——

Druſus erat de prævaricatione—Abſolutus, in ſumma quatuor ſententiis—Eodem die poſt meridiem Vatinium aderam defenſurus; ea res facilis—Scauri judicium ſtatim exercebitur, cui nos non deerimus. Ad Quint. 2. 16.

Scaurum beneficio defenſionis valde obligavi.——Ibid. 3. 1. § 5.

ſame time likewiſe his old friend, CN. PLANCIUS, who had entertained him ſo generouſly in his exil; and being now choſen *Ædile*, was accuſed by a diſappointed Competitor, M. LATERENSIS, *of bribery and corruption.* All theſe were acquitted, but the orations for them are loſt, except that for PLANCIUS; which remains a perpetual monument of CICERO's gratitude: for PLANCIUS having obtained the Tribunate from the people, as the reward of his fidelity to CICERO, did not behave himſelf in that poſt, with the ſame affection to him as before, but ſeems ſtudiouſly to have ſlighted him; while ſeveral of his Collegues, and eſpecially RACILIUS, *were exerting all their power in the defence of his perſon and dignity* [*t*]: yet CICERO freely undertook his cauſe, and, as if no coldneſs had intervened, diſplayed the merit of his ſervices in the moſt pathetic and affecting manner; and reſcued him from the hands of a powerfull accuſer, and his own particular friend. DRUSUS's *trial was held in the morning; from which, after going home to write a few Letters, he was obliged to return to* VATINIUS's *in the afternoon:* which gives us a ſpecimen of the hurry in which he generally lived, and of the little time which he had to ſpend upon his private affairs, or his ſtudies; and tho' he was now carrying on ſeveral great works of the learned kind, *yet he had no other leiſure*, he tells us, *for meditating and compoſing, but when he was taking a few turns in his gardens, for the exerciſe of his body, and refreſhment of his voice* [*u*]. VATINIUS had been one of his fierceſt enemies; was in a perpetual oppoſition to

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[*t*] Negas Tribunatum Plancii quicquam attuliſſe adjumenti dignitati meæ. Atque hoc loco, quod veriſſime facere potes, L. Racilii—divina in me merita commemoras, &c. Pro Plancio. 32.

[*u*] Ita quicquid conficio aut cogito in ambulationis fere tempus confero. Ad Quint. 3. 3.

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him in politics; and, like Bestia mentioned above, a ſeditious, profligate, abandoned Libertine: ſo that the defence of him gave a plauſible handle for ſome cenſure upon Cicero: but his engagements with Pompey, and eſpecially his new friendſhip with Cæsar, made it neceſſary to embrace *all* Cæsar's *friends*; among whom Vatinius was moſt warmly recommended to him.

Gabinius being recalled, as has been ſaid, from his government, returned to *Rome* about the end of *September*: he bragged every where on his journey, that he was going *to the demand of a triumph*; and to carry on that farce, continued a while without the gates; till perceiving how odious he was to all within, *he ſtole privately into the City by night, to avoid the diſgrace of being inſulted by the populace* [x]. There were *three different impeachments* provided againſt him: the firſt, *for treaſonable practices againſt the ſtate*; the ſecond, *for the plunder of his province*; the third, *for bribery and corruption*: and ſo many perſons offered themſelves to be Proſecutors, *that there was a conteſt among them before the Prætor, how to adjuſt their ſeveral claims* [y]. The firſt indictment fell to L. Lentulus, who accuſed him the day after he entered the City, *that, in defiance of religion and the decree of the Senate, he had reſtored the King of Ægypt with an army, leaving his own Province naked, and open to the incurſion of enemies, who had made great devaſtations in it.* Cicero, who had received from Gabinius all the provocation, which one man could receive

[x] Ad urbem acceſſit A. D. xii. Kal. Oct. nihil turpius, nec deſertius. Ad Qu. Fr. 3. 1. § 5. Cum Gabinius, quacunque veniebat, triumphum ſe poſtulare dixiſſet, ſubitoque bonus Imperator noctu in urbem, hoſtium plane, invaſiſſet.——Ibid. 2.

[y] Gabinium tres adhuc factiones poſtulant, &c. Ibid. 1. § 5. Cum hæc ſcribebam ante lucem, apud Catonem erat divinatio in Gabinium futura, inter Memmium, & Ti. Neronem, & C. & L. Antonios. Ibid. 2.

receive from another, had the pleaſure to ſee his inſolent adverſary at his feet; and was prepared to give him ſuch a reception, as he deſerved: but GABINIUS durſt not venture to ſhew his head for the firſt ten days, till he was obliged to come to the Senate, in order to give them an account, according to cuſtom, *of the ſtate of his Province, and the troops, which he had left in it:* as ſoon as he had told his ſtory, he was going to retire, but the Conſuls detained him, to anſwer to a complaint brought againſt him *by the Publicans, or Farmers of the revenues*, who were attending at the door to make it good. This drew on a debate, in which GABINIUS was ſo urged and teized on all ſides, but eſpecially by CICERO, *that trembling with paſſion, and unable to contain himſelf, he called* CICERO *a baniſhed man:* upon which, ſays CICERO, in a Letter to his Brother, *nothing ever happened more honorable to me: the whole Senate left their ſeats to a man, and with a general clamor ran up to his very face; while the Publicans alſo were equally fierce and clamorous againſt him, and the whole company behaved juſt as you yourſelf would have done* [z].

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CICERO had been deliberating for ſome time, *whether he ſhould not accuſe* GABINIUS *himſelf*; but out of *regard to* POMPEY, was content to appear onely *as a witneſs* againſt him [a]; and when the trial was over, gives the following account of it *to his Brother.*

[z] Interim ipſo decimo die, quo ipſum oportebat hoſtium numerum & militum renuntiare, in re hæſit, ſumma in frequentia: cum vellet exire, a Conſulibus retentus eſt; introducti publicani. Homo undique actus, cum a me maxime vulneraretur, non tulit, & me trementi voce exulem appellavit. Hic, O Dii, nihil unquam honorificentius nobis accidit. Conſurrexit Senatus cum clamore ad unum, ſic ut ad corpus ejus accederet. Pari clamore atque impetu publicani. Quid quæris? Omnes, tanquam ſi tu eſſes, ita fuerunt.——Ibid.——

[a] Ego tamen me teneo ab accuſando vix mehercule. Sed tamen teneo, vel quod nolo cum Pompeio pugnare; ſatis eſt, quod inſtat de Milone.——Ibid. 3. 2.

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" Gabinius is acquitted: nothing was ever ſo ſtupid,
" as his accuſer Lentulus; nothing ſo ſordid, as the
" bench: yet if Pompey had not taken incredible pains,
" and the rumor of a Dictatorſhip had not infuſed ſome
" apprehenſions, he could not have held up his head
" even againſt Lentulus: ſince with ſuch an accuſer,
" and ſuch Judges; of the ſeventy two, who ſat upon
" him, thirty two condemned him. The ſentence is
" ſo infamous, that he ſeems likely to fall in the other
" trials, eſpecially that of plunder: but there's no Re-
" public, no Senate, no Juſtice, no dignity in any of us:
" what can I ſay more of the Judges? There were but
" two of them of Prætorian rank, Domitius Calvinus,
" who acquitted him ſo forwardly, that all the world
" might ſee it; and Cato, who, as ſoon as the votes
" were declared, ran officiouſly from the bench, to carry
" the firſt news to Pompey. Some ſay, and particular-
" ly Sallust, that I ought to have accuſed him: but
" ſhould I riſk my credit with ſuch Judges? What a
" figure ſhould I have made, if he had eſcaped from
" me? But there were other things, which influenced
" me: Pompey would have conſidered it as a ſtruggle,
" not about Gabinius's ſafety, but his own dignity: it
" muſt have made a breach between us: we ſhould have
" been matched like a pair of Gladiators; as Pacidia-
" nus, with Æserninus the *Samnite:* he would pro-
" bably have bitt off one of my ears, or been reconciled
" at leaſt with Clodius---for after all the pains, which I
" had taken to ſerve him; when I owed nothing to him,
" he every thing to me; yet he would not bear my
" differing from him in public affairs, to ſay no worſe
" of it; and when he was leſs powerfull than he is at
" preſent,

" preſent, ſhewed what power he had againſt me, in my floriſhing condition; why ſhould I now, when I have loſt even all deſire of power; when the Republic certainly has none; when he alone has all; chuſe him of all men to contend with? for that muſt have been the caſe: I cannot think that you would have adviſed me to it. SALLUST ſays, that I ought to have done either the one or the other; and in compliment to POMPEY have defended him; who begged it of me indeed very earneſtly---A ſpecial friend this SALLUST! to wiſh me to involve my ſelf either in a dangerous enmity, or perpetual infamy. I am delighted with my middle way; and when I had given my teſtimony faithfully and religiouſly, was pleaſed to hear GABINIUS ſay, that if it ſhould be permitted to him to continue in the City, he would make it his buſineſs to give me ſatisfaction; nor did he ſo much as interrogate me---[*b*]." He gives the ſame account of this trial to his other friends; *how* LENTULUS *acted his part ſo ill, that people were perſwaded, that he prevaricated---- and that* GABINIUS's *eſcape was owing to the indefatigable induſtry of* POMPEY, *and the corruption of the Bench* [*c*].

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ABOUT the time of this trial there happened *a terrible inundation of the Tiber*, which did much damage at *Rome:* many houſes and ſhops were carried away by it, and *the fine gardens of* CICERO's *ſon in law*, CRASSIPES, *demoliſhed.* It was all charged to the abſolution of GABINIUS, after his daring violation of Religion, and contempt

[*b*] Ad Quint. 3. 4.

[*c*] Quomodo ergo abſolutus? — Acceſatorum incredibilis infamia, id eſt L. Lentuli, quem fremunt omnes prævaricatum; deinde Pompeii mira contentio, Judicum ſordes. Ad Att. 4. 16.

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contempt of *the Sibyl's books:* Cicero applies to it the following paſſage of Homer [*d*].

As when in autumn Jove *his fury pours,*
And earth is loaden with inceſſant ſhowers;
When guilty mortals break th' eternal laws,
And Judges brib'd betray the righteous cauſe,
From their deep beds he bids the Rivers riſe,
And opens all the flood-gates of the ſkies.
Mr. Pope, Il. 16. v. 466.

But Gabinius's danger was not yet over: he was to be tried a ſecond time, *for the plunder of his Province*; where C. Memmius, one of the Tribuns, was his Accuſer, and M. Cato his Judge, with whom he was not likely to find any favor: Pompey preſſed Cicero *to defend him*, and would not admit of any excuſe; and Gabinius's humble behaviour in the late trial was intended to make way for Pompey's ſollicitation. Cicero ſtood firm for a long time: Pompey, ſays he, *labors hard with me, but has yet made no impreſſion, nor, if I retain a grain of liberty, ever will* [*e*];

Oh! e'er that dire diſgrace ſhall blaſt my fame,
O'erwhelm me earth------ *Il.* 4. 218.

but Pompey's inceſſant importunity, backed by Cæsar's earneſt requeſt, made it vain to ſtruggle any longer; and

[*d*] Romæ, & maxime Appia ad Martis, mira proluvies. Craſſipedis ambulatio ablata, horti, tabernæ plurimæ. Magna vis aquæ uſque ad piſcinam publicam. Viget illud Homeri——Cadit enim in abſolutionem Gabinii.——Ad Quint. 3. 7.

[*e*] Pompeius a me valde contendit de reditu in gratiam, ſed adhuc nihil profecit: nec, ſi ullam partem libertatis tenebo, proficiet.——Ad Quint. 3. 1. § 5.

De Gabinio nihil fuit faciendum iſtorum, &c. τότε μοι χάριν.——Il. 4. 218.

and forced him againſt his judgement, his reſolution, and his dignity to defend GABINIUS; at a time when his defence at laſt proved of no ſervice to him; for he was found guilty by CATO, and condemned of courſe to a perpetual baniſhment. It is probable, that CICERO's Oration was never publiſhed, but as it was his cuſtom, to keep the minutes or rough draught of all his pleadings, in what he called *his Commentaries*, which were extant many ages after his death [*f*]; ſo St. JEROM has preſerved from them a ſmall fragment of this ſpeech; which ſeems to be a part of the apology, that he found himſelf obliged to make for it; wherein he obſerves, "that "when POMPEY's authority had once reconciled him to "GABINIUS, it was no longer in his power to avoid de- "fending him; for it was ever my perſwaſion, *ſays he*, "that all friendſhips ſhould be maintained with a reli- "gious exactneſs; but eſpecially thoſe, which happen "to be renewed from a quarrel: for in friendſhips, that "have ſuffered no interruption, a failure of duty is "eaſily excuſed by a plea of inadvertency, or at the "worſt, of negligence; whereas, if after a reconciliation "any new offence be given, it never paſſes for negligent, "but wilfull; and is not imputed to imprudence, *but* "*to perfidy* [*g*].

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THE Proconſul, LENTULUS, who reſided ſtill in *Cilicia*, having had an account from *Rome*, *of* CICERO's *change of conduct*, *and his defence of* VATINIUS, wrote a ſort of expoſtulatory Letter to him, to know the reaſons of it; telling him, *that he had heard of his reconciliation with* CÆSAR *and* APPIUS, *for which he did not blame him*; *but*

[*f*] Quod feciſſe M. Tullium Commentariis ipſius apparet. Quintil. l. 10. c. 7.

[*g*] Vid. Fragment. Orationum.——

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but was at a loſs, how to account for his new friendſhip with Crassus; *and above all, what it was, that induced him to defend* Vatinius. This gave occaſion to that long and elaborate anſwer from Cicero, already referred to, written before Gabinius's trial; which would otherwiſe have made his apology more difficult; in which he lays open the motives and progreſs of his whole behaviour from the time of his exil---- "As to the caſe of Vatinius, *he ſays*, as ſoon as he was choſen Prætor, where "I warmly oppoſed him in favor of Cato, Pompey prevailed with me to be reconciled to him; and Cæsar "afterwards took ſurpriſing pains with me to defend "him; to which I conſented, for the ſake of doing "what, as I told the court at the trial, *the Paraſite in "the Eunuch* adviſed his Patron to do:

"Whenever *ſhe talks of* Phædria, *do you preſently "praiſe* Pamphila, *&c.* ſo I begged of the Judges, that "ſince certain perſons of diſtinguiſhed rank, to whom "I was much obliged, were ſo fond of my enemy, and "affected to careſs him in the Senate before my face, "with all the marks of familiarity; and ſince they had "their Publius to give me jealouſy, I might be allowed "to have my Publius alſo, to teize them with in my "turn---" Then as to his general conduct, he makes this general defence; "that the union and firmneſs of "the honeſt, which ſubſiſted when Lentulus left *Rome*, "confirmed, *ſays he*, by my Conſulſhip and revived by "yours, is now quite broken and deſerted by thoſe, who "ought to have ſupported it, and were looked upon as "Patriots; for which reaſon, the maxims and meaſures "of all wiſe Citizens, in which claſs I always wiſhed to "be ranked, ought to be changed too: for it is a precept

" of PLATO, whoſe authority has the greateſt weight with me, to contend in public affairs, as far as we can perſwade our Citizens, but not to offer violence, either to our Parent or our Country-----If I was quite free from all engagements, I ſhould act therefore as I now do; ſhould not think it prudent to contend with ſo great a power; nor, if it could be effected, to extinguiſh it in our preſent circumſtances; nor continue always in one mind, when the things themſelves and the ſentiments of the honeſt are altered; ſince a perpetual adherence to the ſame meaſures has never been approved by thoſe, who know beſt how to govern ſtates: but, as in ſailing, it is the buſineſs of art, to be directed by the weather, and fooliſh to perſevere with danger in the courſe in which we ſet out, rather than by changing it, to arrive with ſafety, tho' later, where we intended; ſo to us, who manage public affairs, the chief end propoſed being dignity with public quiet, our buſineſs is not to be always ſaying, but always aiming at the ſame thing. Wherefore if all things, as I ſaid, were wholly free to me, I ſhould be the ſame man that I now am: but when I am invited to this conduct on the one ſide by kindneſſes, and driven to it on the other by injuries, I eaſily ſuffer my ſelf to vote and act, what I take to be uſefull both to my ſelf and the Republic; and I do it the more freely, as well on the account of my Brother's being CÆSAR's Lieutenant, as that there is not the leaſt thing, which I have ever ſaid or done for CÆSAR, but what he has repaid with ſuch eminent gratitude, as perſwades me, that he takes himſelf to be obliged to me; ſo that I have as much uſe of all his power and intereſt, which

A. Urb. 699. Cic. 53. Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

" you know to be the greateſt, as if they were my own: " nor could I otherwiſe have defeated the deſigns of my " deſperate enemies, if to thoſe forces, which I have al- " ways been maſter of, I had not joined the favor of " the men of power. Had you been here to adviſe me, " I am perſwaded, that I ſhould have followed the ſame " meaſures: for I know your good nature and modera- " tion: I know your heart, not onely the moſt friendly " to me, but void of all malevolence to others; great " and noble, open and ſincere, &c. [*b*]." He often defends himſelf on other occaſions by the ſame alluſion *to the art of ſailing*: " I cannot reckon it inconſtancy, " *ſays he*, to change and moderate our opinion, like the " courſe of a ſhip, by the weather of the Republic: this " is what I have learnt, have obſerved, have read; what " the records of former ages have delivered, of the wiſeſt " and moſt eminent Citizens, both in this and all other " Cities; that the ſame maxims are not always to be " purſued by the ſame men; but ſuch, whatever they " be, which the ſtate of the Republic, the inclination " of the times, the occaſions of public peace require: " this is what I am now doing, and ſhall always " do----[*i*].

THE trial of C. RABIRIUS POSTUMUS, *a perſon of Equeſtrian rank*, was an appendix to that of GABINIUS. It was one of the articles againſt GABINIUS, *that he had received about two millions for reſtoring King* PTOLEMY; yet

[*b*] Ep. fam. 1. 9.

[*i*] Neque enim inconſtantis puto, ſententiam, tanquam aliquod navigium atque curſum ex Reipub. tempeſtate moderari. Ego vero hæc didici, hæc vidi, hæc ſcripta legi: hæc de ſapientiſſimis & clariſſimis viris, & in hac Repub. & in aliis civitatibus monumenta nobis & literæ prodiderunt: non ſemper eaſdem ſententias ab iiſdem, ſed quaſcunque Reipub. ſtatus, inclinatio temporum, ratio concordiæ poſtularet, eſſe defendendas. Quod ego & facio, & ſemper faciam.——Pro Plancio. 39.

yet all his eſtate, which was to be found, was not ſufficient to anſwer the damages, in which he was condemned; nor could he give any ſecurity for the reſt: in this caſe, the method was, to demand the deficiency from thoſe, through whoſe hands the management of his money affairs had paſſed, and who were ſuppoſed to have been ſharers in the ſpoil: this was charged upon RABIRIUS; and *that he had adviſed* GABINIUS *to undertake the reſtoration of the King, and accompanied him in it, and was employed to ſollicit the payment of the money, and lived at Alexandria for that purpoſe, in the King's ſervice, as the public Receiver of his taxes, and wearing the Pallium or habit of the country.*

A. Urb. 699. Cic. 53. Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.

CICERO urged in defence of RABIRIUS, "that he had "born no part in that tranſaction; but that his whole "crime, or rather folly, was, that he had lent the King "great ſumms of money for his ſupport at *Rome*; and "ventured to truſt a Prince, who, as all the world then "thought, was going to be reſtored by the authority "of the *Roman* people: that the neceſſity of going to "*Ægypt* for the recovery of that debt, was the ſource "of all his miſery; where he was forced to take whatever the King would give or impoſe: that it was his "misfortune to be obliged to commit himſelf to the "power of an arbitrary Monarch: that nothing could "be more mad, than for a *Roman* Knight, and Citizen "of a Republic of all others the moſt free, to go to "any place, where he muſt needs be a ſlave to the will "of another; that all, who ever did ſo, as PLATO and "the wiſeſt had ſometimes done too haſtily, always "ſuffered for it: this was the caſe of RABIRIUS; neceſſity carried him to *Alexandria*; his whole fortunes were

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

" at ſtake [*k*]; which he was ſo far from improving by " his traffic with that King, that he was ill treated by " him, impriſoned, threatened with death, and glad to " run away at laſt with the loſs of all: and at that very " time, it was wholly owing to Cæsar's generoſity, and " regard to the merit and misfortunes of an old friend, " that he was enabled to ſupport his former rank and " Equeſtrian dignity----[*l*]." Gabinius's *trial* had ſo near a relation to this, and was ſo often referred to in it, that the Proſecutors could not omit ſo fair an opportunity of *rallying* Cicero, for the part which he had acted in it: Memmius obſerved, *that the Deputies of Alexandria had the ſame reaſon for appearing for* Gabinius, *which* Cicero *had for defending him, the command of a Maſter.* ----*No,* Memmius, *replied* Cicero, *my reaſon for defending him, was a reconciliation with him; for I am not aſhamed to own, that my quarrels are mortal, my friendſhips immortal: and if you imagine, that I undertook that cauſe for fear of* Pompey, *you neither know* Pompey, *nor me; for* Pompey *would neither deſire it of me againſt my will, nor would I, after I had preſerved the liberty of my Citizens, ever give up my own* [*m*].

Valerius Maximus reckons Cicero's *defence of* Gabinius *and* Vatinius among the great and laudable examples of humanity, which the *Roman* Hiſtory furniſhed; *as it is nobler,* he ſays, *to conquer injuries with benefits, than to repay them in kind, with an obſtinacy of hatred.*

[*k*] Pro Rabir. 8, 9.

[*l*] Ibid. 15.

[*m*] Ait etiam meus familiaris, eandem cauſam Alexandrinis fuiſſe, cur laudarent Gabinium, quæ mihi fuit, cur eundem defenderem. Mihi, C. Memmi, cauſa defendendi Gabinii fuit reconciliatio gratiæ. Neque vero me pœnitet, *mortales inimicitias, ſempiternas amicitias habere.* Nam ſi me invitum putas, ne Cn. Pompeii animum offenderem, defendiſſe cauſam; & illum & me vehementer ignoras. Neque enim Pompeius me ſua cauſa quidquam facere voluiſſet invitum; neque ego, cui omnium civium libertas cariſſima fuiſſet, meam projeciſſem. —— Pro C. Rabir. Poſt. 12.

hatred [*n*]. This turn is agreeable to the deſign of that writer, whoſe view it ſeems to be, in the collection of his ſtories, to give us rather what is ſtrange, than true; and to dreſs up facts as it were into fables, for the ſake of drawing a moral from them: for whatever CICERO himſelf might ſay for it, in the floriſhing ſtile of an oration, it is certain, that he knew and felt it to be, what it really was, an indignity and diſhonor to him, which he was forced to ſubmit to by the iniquity of the times, and his engagements with POMPEY and CÆSAR, as he often laments to his friends in a very paſſionate ſtrain: *I am afflicted*, ſays he, *my deareſt Brother, I am afflicted, that there is no Republic, no Juſtice in trials; that this ſeaſon of my life, which ought to floriſh in the authority of the Senatorian character, is either waſted in the drudgery of the Barr, or relieved onely by domeſtic ſtudies; that what I have ever been fond of from a boy,*

A. Urb. 699. Cic. 53. Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.

In every virtuous act and glorious ſtrife
To ſhine the firſt and beſt------

is wholly loſt and gone; that my enemies are partly not oppoſed, partly even defended by me; and neither what I love, nor what I hate, left free to me [*o*].

WHILE CÆSAR was engaged in *the Britiſh expedition*, his daughter JULIA, POMPEY's *wife, died in child-bed at Rome,*

[*n*] Sed hujuſce generis humanitas etiam in M. Cicerone præcipua apparuit, &c. Val. Max. 4. 2.

[*o*] Angor, mi ſuaviſſime frater, angor, nullam eſſe Rempub. nulla judicia, noſtrumque hoc tempus ætatis, quod in illa Senatoria auctoritate florere debebat, aut forenſi labore jactari, aut domeſticis literis ſuſtentari. Illud vero quod a puero adamaram,

Αἰὲν ἀριστεύειν, καὶ ὑπείροχόν ἐμμεναι ἄλλων.
Il. ζ. 208.

totum occidiſſe; inimicos a me partim non oppugnatos; partim etiam eſſe defenſos; meum non modo animum, ſed ne odium quidem eſſe liberum.——Ad Quint. 3. 5.

A. Urb. 699. Cic. 53. Coſſ. L. Domitius Aheno-barbus, A. Claudius Pulcher.

Rome, after ſhe was delivered of a ſon, which died alſo ſoon after her. Her loſs was not more lamented by the Huſband and Father, who both of them tenderly loved her, than by all their common friends, and well wiſhers to the public peace; who conſidered it as a ſource of freſh diſturbance to the ſtate, from the ambitious views and claſhing intereſts of the Two Chiefs; whom the life of one ſo dear, and the relation of Son and Father ſeemed hitherto to have united by the ties both of duty and affection [*p*]. Cæsar is ſaid *to have born the news of her death with an uncommon firmneſs* [*q*]: it is certain, that ſhe had lived long enough to ſerve all the ends, which he propoſed from that alliance, and to procure for him every thing that Pompey's power could give: for while Pompey, forgetfull of his honor and intereſt, was ſpending his time inglorioufly at home, in the careſſes of a young wife, and the delights of *Italy*; and, as if he had been onely Cæsar's agent, was continually decreeing freſh honors, troops, and money to him; Cæsar was purſuing the direct road to Empire; training his Legions in all the toils and diſcipline of a bloody war; himſelf always at their head, animating them by his courage, and rewarding them by his bounty; till from a great and wealthy Province, having raiſed money enough to corrupt, and an army able to conquer all, who could oppoſe him, he ſeemed to want nothing for the execution of his vaſt deſigns, but a pretext to break with Pompey; which, as all wiſe men foreſaw, could not long be wanted, when Julia, the cement of their union, was removed.

For

[*p*] Cum medium jam, ex invidia potentiæ male cohærentis inter Cn. Pompeium & C. Cæſarem, concordiæ pignus, Julia uxor Magni deceſſit—Filius quoque parvus, Julia natus, intra breve ſpatium obiit. Vell. Pat. 2. 47. Val. M. 4. 6.

[*q*] Cæſar—cum audivit deceſſiſſe filiam—inter tertium diem Imperatoria obiit munera. Senec. Conſol. ad Helv. p. 116.

For tho' the power of the Triumvirate had given a dangerous blow to the liberty of *Rome*, yet the jealouſies and ſeparate intereſts of the Chiefs obliged them to manage it with ſome decency; and to extend it but rarely, beyond the forms of the conſtitution: but whenever that league ſhould happen to be diſſolved, which had made them already too great for private ſubjects, the next conteſt of courſe muſt be for dominion, and the ſingle maſtery of the Empire.

A. Urb. 699. Cic. 53. Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.

ON the ſecond of *November*, C. PONTINIUS *triumphed over the Allobroges:* he had been *Prætor*, when CICERO *was Conſul*; and at the end of his Magiſtracy obtained the government of that part of *Gaul*, which, having been tampering with CATILINE in his conſpiracy, broke out ſoon afterwards into open Rebellion, but was reduced by the vigor of this General. For this ſervice, he demanded *a Triumph*, but met with great oppoſition, which he ſurmounted with incredible patience: for he perſevered in his ſuit, *for five years ſucceſſively*; reſiding all that while, according to cuſtom, in the ſuburbs of the City, till he gained his point at laſt by a kind of violence. CICERO was his friend, and continued in *Rome* on purpoſe to aſſiſt him; and *the Conſul* APPIUS ſerved him *with all his power*; *but* CATO *proteſted, that* PONTINIUS *ſhould never triumph while he lived*; *tho' this*, ſays CICERO, *like many of his other threats, will end at laſt in nothing*. But *the Prætor* GALBA, who had been his Lieutenant, having procured by ſtratagem *an act of the people in his favor*, he entered the City in his Triumphal Chariot, where he was ſo rudely received and oppoſed in his paſſage through the ſtreets, *that he was forced*

A. Urb. 699. Cic. 53. Coſſ. *forced to make his way with his ſword, and the ſlaughter of many of his adverſaries* [r].

L. Domitius Aheno-barbus, A. Claudius Pulcher. In the end of the year, Cicero conſented *to be one of* Pompey's *Lieutenants in Spain; which he began to think convenient to the preſent ſtate of his affairs, and reſolved to ſet forward for that Province, about the middle of January* [s]: but this ſeemed to give ſome umbrage to Cæsar, who, by the help of Quintus, hoped to diſengage him gradually from Pompey, and to attach him to himſelf; and with that view had begged of him in his Letters, to continue at *Rome* [t], for the ſake of ſerving himſelf with his authority, in all affairs which he had occaſion to tranſact there; ſo that out of regard probably to Cæsar's uneaſineſs, Cicero ſoon changed his mind, and reſigned *his Lieutenancy:* to which he ſeems to allude in a Letter to his Brother, where he ſays, *that he had no ſecond thoughts in whatever concerned* Cæsar; *that he would make good his engagements to him; and being entered into his friendſhip with judgement, was now attached to him by affection* [u].

He was employed at Cæsar's deſire along with Oppius, in ſettling the plan of a moſt expenſive and magnificent work, which Cæsar was going to execute at *Rome, out of the ſpoils of Gaul; a new Forum,* with many grand

[r] Ea re non longius, quam vellem, quod Pontinio ad Triumphum volebam adeſſe: etenim erit neſcio quid negotioli, &c. Ad Quint. 3. 5.

Pontinius vult A. D. IV. Non. Novemb. triumphare. Huic obviam Cato & Servilius Prætores aperte, & Q. Mucius Tribunus—— Sed erit cum Pontinio Appius Conſul. Cato tamen affirmat, ſe vivo illum non triumphare. Id ego puto, ut multa ejuſdem, ad nihil recaſurum.—— Ad Att. 4. 16. It. Dio. l. 39. p. 120.

[s] Sed heus tu, ſcripſeramne tibi me eſſe legatum Pompeio; & extra urbem quidem fore, ex Id. Jan. viſum eſt hoc mihi ad multa quadrare.——Ad Att. 4. 18.

[t] Quod mihi tempus, Romæ præſertim, ut iſte me rogat, manenti, vacuum oſtenditur?——Ad Quint. 2. 15.

[u] Ego vero nullas δευτέρας φροντίδας habere poſſum in Cæſaris rebus——Videor id judicio facere. Jam enim debeo: ſed tamen amore ſum incenſus.——Ad Quint. 3. 1. § 5.

grand buildings annexed to it; for the area of which alone, they had contracted to pay to the ſeveral owners, *about five hundred thouſand pounds*; *or as* SUETONIUS *computes*, *near double that* ſumm [*x*]. CICERO calls it *a glorious piece of work*, and ſays, *that the partitions, or encloſures of the Campus Martius, in which the Tribes uſed to vote, were all to be made new of marble, with a roof likewiſe of the ſame, and a ſtately Portico carried round the whole, of a mile in Circuit, to which a public Hall or Town-houſe was to be joined* [*y*]. While this building was going forward, L. ÆMILIUS PAULLUS was employed in raiſing another, not much inferior to it, at his own expenſe: for he repaired and beautyfied *an ancient Baſilica in the old Forum*; and built at the ſame time *a new one with Phrygian columns*, which was called after *his own name*; and is frequently mentioned by the later writers, as a Fabric of wonderfull magnificence, computed to have coſt him three hundred thouſand pounds [*z*].

A. Urb. 699. Cic. 53. Coſſ. L. DOMITIUS AHENOBARBUS, A. CLAUDIUS PULCHER.

THE new Tribuns purſued the meaſures of their Predeceſſors, and would not ſuffer an election of Conſuls; ſo that when the new year came on, the Republic wanted its proper head: in this caſe, the adminiſtration fell into the hands of *an Interrex*; a proviſional Magiſtrate, who muſt neceſſarily *be a Patrician, and choſen by the*

[*x*] Forum de manubiis inchoavit; cujus area ſuper H. S. millies conſtitit. Suet. J. Cæſ. 26.

[*y*] Itaque Cæſaris amici (me dico & Oppium, dirumparis licet) in monumentum illud, quod tu tollere laudibus ſolebas, ut Forum laxaremus, & uſque ad Libertatis atrium explicaremus, conſumſimus H. S. Sexcenties: cum privatis non poterat tranſigi minore pecunia. Efficiemus rem glorioſiſſimam. Nam in Campo Martio ſepta Tributis comitiis marmorea ſumus, & tecta facturi, eaque cingemus excelſa porticu, ut mille paſſuum conficiatur. Simul adjungetur huic operi, villa etiam publica.——Ad Att. 4. 16.

[*z*] Paullus in medio Foro Baſilicam jam pæne texuit, iiſdem antiquis columnis: illam autem, quam locavit, facit magnificentiſſimam. Nihil gratius illo monumento, nihil glorioſius.——Ibid.

A. Urb. 700. Cic. 54. *body of Patricians*, called together for that purpoſe by the Senate [*a*]. His power however was but ſhort-lived, being transferred *every five days*, *from one Interrex to another*, till an election of Conſuls could be obtained: but the Tribuns, whoſe authority was abſolute, while there were no Conſuls to controul them, continued fierce againſt any election at all: ſome were for reviving *the ancient dignity of military Tribuns*; but that being unpopular, a more plauſible Scheme was taken up and openly avowed, *of declaring* POMPEY *Dictator*. This gave great apprehenſions to the City, for the memory *of* SYLLA's *Dictatorſhip*; and was vigorouſly oppoſed by all the Chiefs of the Senate, and eſpecially by CATO: POMPEY choſe to keep himſelf out of ſight, and retired into the country, to avoid the ſuſpicion of affecting it. "The rumor of a Dictatorſhip, *ſays* CICERO, is diſ-"agreeable to the honeſt; but the other things, which "they talk of, are more ſo to me: the whole affair "is dreaded, but flags: POMPEY flatly diſclames it, "tho' he never denied it to me before: the Tribun "HIRRUS will probably be the promotor: good Gods! "how ſilly and fond of himſelf without a rival? At "POMPEY's requeſt, I have deterred CRASSUS JUNIA-"NUS, who pays great regard to me, from meddling "with it. It is hard to know, whether POMPEY really "deſires it or not; but if HIRRUS ſtir in it, he will not "convince us, that he is averſe to it [*b*]." In another Letter;

[*a*] Vid. Aſcon. argument. in Milon.——

[*b*] Rumor Dictatoris injucundus bonis: mihi etiam magis quæ loquuntur. Sed tota res & timetur & refrigeſcit. Pompeius plane ſe negat velle: antea ipſe mihi non negabat. Hirrus auctor fore videtur. O Dii, quam ineptus, & quam ſe amans ſine rivali! Craſſum Junianum, hominem mihi deditum, per me deterruit. Velit, nolit, ſcire difficile eſt. Hirro tamen agente, nolle ſe non probabit.—Ad Quint. 3. 8.

Letter; " Nothing is yet done as to the Dictatorſhip; A. Urb. 700. Cic. 54.
" POMPEY is ſtill abſent; APPIUS in a great buſtle;
" HIRRUS preparing to propoſe it; but ſeveral are named
" as ready to interpoſe their negative: the people do not
" trouble their heads about it; the Chiefs are againſt it;
" I keep my ſelf quiet [*c*]." CICERO's friend, MILO, was irreſolute how to act on this occaſion; he was forming an intereſt for the Conſulſhip; and if he declared againſt *a Dictatorſhip, was afraid of making* POMPEY *his enemy; or if he ſhould not help the opponents, that it would be carried by force*; in both which caſes, his own pretenſions were ſure to be diſappointed: he was inclined therefore to join in the oppoſition, but ſo far onely, as to repell any violence [*d*].

THE Tribuns in the mean time were growing every day more and more inſolent, and engroſſing all power to themſelves; till Q. POMPEIUS RUFUS, *the Grandſon of* SYLLA, *and the moſt factious eſpouſer of a Dictator, was, by a reſolute decree of the Senate, committed to priſon:* and POMPEY himſelf, upon his return to the City, finding the greater and better part utterly averſe to his Dictatorſhip, yielded at laſt, after *an Interregnum of ſix months, that* CN. DOMITIUS CALVINUS, *and* M. MESSALA, *ſhould be declared Conſuls* [*e*]. Theſe were agreeable likewiſe to CÆSAR: CICERO had particularly recommended MESSALA to him; of whom he ſays, in a Letter to his Brother; *As to your reckoning* MESSALA

[*c*] De Dictatore tamen actum nihil eſt. Pompeius abeſt: Appius miſcet: Hirrus parat: multi interceſſores numerantur: populus non curat: principes nolunt: ego quieſco——— Ibid. 9.

[*d*] Hoc horret Milo——& ſi ille Dictator factus ſit, pæne diffidit. Interceſſorem dictaturæ ſi juverit manu & præſidio ſuo, Pompeium metuit inimicum; ſi non juverit, timet, ne per vim perferatur.——Ibid. 8.

[*e*] Vid. Dio. l. 40. p. 141.

A. Urb. 700. Cic. 54. Coſſ. Cn. Domitius Calvinus, M. Valerius Meſſala. *and* Calvinus *ſure Conſuls, you agree with what we think here; for I will be anſwerable to* Cæsar *for* Messala [*f*].

But after all this buſtle about *a Dictator*, there ſeems to have been no great reaſon for being much afraid of it at this time: for the Republic was in ſo great a diſorder, that nothing leſs than *the Dictatorial* power could reduce it to a tolerable ſtate: ſome good of that kind might reaſonably be expected from Pompey, without the fear of any great harm, while there was ſo ſure a check upon him as Cæsar; who upon any exorbitant uſe of that power, would have had the Senate and all the better ſort on his ſide, by the ſpecious pretence of aſſerting the public liberty: Cicero therefore judged rightly in thinking, that there were other things, which might be apprehended, and ſeemed likely to happen, that, in their preſent ſituation, were of more dangerous conſequence than *a Dictatorſhip*.

There had ſcarce been ſo *long an Interregnum in Rome*, ſince the expulſion of their Kings; during which, all public buſineſs, and eſpecially all judicial procedings were wholly interrupted: which explanes a jocoſe paſſage in *one of* Cicero's *Letters to* Trebatius; *if you had not already*, ſays he, *been abſent from Rome, you would certainly have run away now: for what buſineſs is there for a Lawyer in ſo many Interregnums? I adviſe all my Clients, if ſued in any action, to move every Interrex twice for more time: do not you think, that I have learnt the law of you to good purpoſe* [*g*]?

He

[*f*] Meſſalam quod certum Conſulem cum Domitio numeratis, nihil a noſtra opinione diſſentitis. Ego Meſſalam Cæſari præſtabo.— Ad Quint. 3. 8.

[*g*] Niſi ante Roma profectus eſſes, nunc eam certe relinqueres. Quis enim tot interregnis Juriſconſultum deſiderat? Ego omnibus, unde petitur, hoc conſilii dederim, ut a ſingulis

HE now began a correſpondence of Letters with CURIO, a young Senator of diſtinguiſhed birth and parts, who upon his firſt entrance into the Forum had been committed to his care, and was at this time *Quæſtor in Aſia* [*b*]. He was poſſeſſed of a large and ſplendid fortune, by the late death of his Father; ſo that CICERO, who knew his high ſpirit and ambition, and that he was formed to do much good or hurt to his country, was deſirous to engage him early in the intereſts of the Republic; and by inſtilling great and generous ſentiments, to inflame him with a love of true glory. CURIO had ſent orders to his agents at *Rome*, *to proclame a ſhew of gladiators in honor of his deceaſed Father:* but CICERO ſtopt the declaration of it for a while, in hopes to diſſwade him from ſo great and fruitleſs an expenſe [*i*]. He foreſaw, that nothing was more likely to corrupt his virtue, than the ruin of his fortunes; or to make him a dangerous Citizen, than prodigality; to which he was naturally inclined, and which CICERO, for that reaſon, was the more deſirous to check at his firſt ſetting out: but all his endeavours were to no purpoſe; CURIO reſolved to give *the ſhew of Gladiators*; and by a continual profuſion of his money, anſwerable to this beginning, after he had acted the Patriot for ſome time with credit and applauſe, was reduced at laſt to the neceſſity of ſelling himſelf to CÆSAR.

A. Urb. 700. Cic. 54. Coſſ. CN. DOMITIUS CALVINUS, M. VALERIUS MESSALA.

THERE is but little of politics in theſe Letters, beſides ſome general complaints, *of the loſt and deſperate ſtate of the*

gulis Interregibus binas advocationes poſtulent. Satiſne tibi videor abs te jus civile didiciſſe? Ep. fam. 7. 11.

[*b*] Curio id temporis erat in Aſia Quæſtor C. Clodii Proprætoris, A. U. 700.——Norriſ. Cenot. Piſan. Diſſ. 1. c. 5. p. 109.

[*i*] Rupæ Studium non defuit declarandorum munerum tuo nomine: ſed nec mihi placuit, nec cuiquam tuorum, quidquam te abſente fieri, quod tibi, cum veniſſes, non eſſet integrum, &c. Ep. fam. 2. 3.

A. Urb. 700. Cic. 54. Coſſ. CN. DOMITIUS CALVINUS, M. VALERIUS MESSALA.

the Republic: in one of them, after reckoning up the various ſubjects of Epiſtolary writing; *ſhall I joke with you then*, ſays he, *in my Letters? On my conſcience, there is not a Citizen, I believe, who can laugh in theſe times: or ſhall I write ſomething ſerious? But what can* CICERO *write ſeriouſly to* CURIO, *unleſs it be on the Republic? where my caſe at preſent is ſuch, that I have no inclination to write, what I do not think*----[*k*]. In another, after putting him in mind of the incredible expectation, which was entertained of him at *Rome*; *not that I am afraid*, ſays he, *that your virtue ſhould not come up to the opinion of the public; but rather, that you find nothing worth caring for at your return; all things are ſo ruined and oppreſſed: but I queſtion whether it be prudent to ſay ſo much-----It is your part however, whether you retain any hopes, or quite deſpair, to adorn yourſelf with all thoſe accompliſhments, which can qualify a Citizen, in wretched times and profligate morals, to reſtore the Republic to its ancient dignity* [*l*].

THE firſt news from abroad after the inauguration of the Conſuls, was of the miſerable *death of* CRASSUS *and his ſon* PUBLIUS, *with the total defeat of his army by the Parthians.* This was one of the greateſt blows, that *Rome* had ever received from a foreign enemy, and for which it was ever after meditating revenge: the *Roman* writers generally imputed it to CRASSUS's *contempt of the Auſpices*; as ſome *Chriſtians* have ſince charged it, *to his*

[*k*] Jocerne tecum per litteras? civem mehercule non puto eſſe, qui temporibus his ridere poſſit. An gravius aliquid ſcribam? Quid eſt quod poſſit graviter a Cicerone ſcribi ad Curionem, niſi de Republica? Atque in hoc genere hæc mea cauſa eſt, ut neque ea, quæ non ſentio, velim ſcribere.——Ibid. 4.

[*l*] Non quo verear ne tua virtus opinioni hominum non reſpondeat: ſed mehercule, ne cum veneris, non habeas jam quod cures: ita ſunt omnia debilitata jam prope & exſtincta, &c. Ibid. 5.

his ſacrilegious violation of the temple of Jeruſalem, which he is ſaid to have plundered of two millions; both of them with equal Superſtition pretending to unfold the counſils of heaven, and to fathom thoſe depths, which are declared to be *unſearchable* [*m*]. The chief and immediate concern, which the City felt on this occaſion, was for the detriment, that the Republic had ſuffered, and the danger to which it was expoſed, by the loſs of ſo great an army; yet the principal miſchief lay, in what they did not at firſt regard, and ſeemed rather to rejoice at, *the loſs of* CRASSUS *himſelf*. For after the death of JULIA, CRASSUS's authority was the onely means left, of curbing the power of POMPEY, and the ambition of CÆSAR; being ready always to ſupport the weaker, againſt the encroachments of the ſtronger; and keep them both within the bounds of a decent reſpect to the laws: but this check being now taken away, and the power of the Empire thrown, as a kind of prize, between Two; it gave a new turn to their ſeveral pretenſions, and created a freſh competition for the larger ſhare; which, as the event afterwards ſhewed, muſt neceſſarily end in the ſubverſion of the whole.

A. Urb. 700. Cic. 54. Coſſ. CN. DOMITIUS CALVINUS, M. VALERIUS MESSALA.

PUBLIUS CRASSUS, who periſhed with his father in this fatal expedition, was a youth of an amiable character; educated with the ſtricteſt care, and perfectly inſtructed in all the liberal ſtudies: he had a ready wit and eaſy language; was grave without arrogance, modeſt without negligence; adorned with all the accompliſhments, proper to

[*m*] M. Craſſo quid acciderit, videmus dirarum obnunciatione neglecta. De Dio. 1. 16.

Being for his impious ſacrilege at *Jeruſalem* juſtly deſtined to deſtruction, God did caſt infatuations into all his councils, for the leading him thereto.——Prideaux. Connect. Par. 2. p. 362.

A. Urb. 700. Cic. 54. Coſſ. Cn. Domitius Calvinus, M. Valerius Meſſala.

to form a principal Citizen and Leader of the Republic: by the force of his own judgement he had devoted himſelf very early to the obſervance and imitation of Cicero, whom he perpetually attended and reverenced with a kind of *filial piety*. Cicero conceived a mutual affection for him, and obſerving his eager thirſt of glory, was conſtantly inſtilling into him the true notion of it; and exhorting him to purſue that ſure path to it, which his anceſtors had left beaten and traced out to him, through the gradual aſcent of civil honors. But by ſerving under Cæsar in the *Gallic* wars, he had learnt, as he fancied, a ſhorter way to fame and power, than what Cicero had been inculcating; and having ſignalized himſelf in a campaign or two as a ſoldier, was in too much haſt to be a General; when Cæsar ſent him at the head of a thouſand horſe, to the aſſiſtance of his Father in the *Parthian* war. Here the vigor of his youth and courage carried him on ſo far in the purſuit of an enemy, whoſe chief art of conqueſt conſiſted in flying, that he had no way left to eſcape, but what his high ſpirit diſdained, by the deſertion of his troops and a precipitate flight; ſo that finding himſelf oppreſſed with numbers, cruelly wounded, and in danger of falling alive into the hands of the *Parthians*, he choſe to die by the ſword of his Armour-bearer. Thus while he aſpired, as Cicero ſays, to the fame of another Cyrus or Alexander, *he fell ſhort of that glory, which many of his Predeceſſors had reaped, from a ſucceſſion of honors, conferred by their country, as the reward of their ſervices* [*n*].

By

[*n*] Hoc magis ſum Publio deditus, quod me quanquam a pueritia ſemper, tamen hoc tempore maxime, ſicut alterum parentem & obſervat & diligit. Ep. fam. 5. 8.

P. Craſſum

By the death of *Young* CRASSUS, a place became vacant *in the college of Augurs*, for which CICERO declared himſelf a Candidate: nor was any one ſo hardy as to appear againſt him, except HIRRUS, *the Tribun*, who, truſting to the popularity of his office and POMPEY's favor, had the vanity to pretend to it: but a Competition ſo unequal furniſhed matter of raillery onely to CICERO; who was choſen without any difficulty or ſtruggle, with *the unanimous approbation of the whole body* [*o*]. This College, from the laſt regulation of it by SYLLA, conſiſted *of fifteen*, who were all perſons of the firſt diſtinction in *Rome:* it was a prieſthood for life, of a character indelible; which no crime or forfeiture could efface: the Prieſts of all kinds were originally choſen by their Colleges; till DOMITIUS, a Tribun, about fifty years before, transferred the choice of them to the people; whoſe authority was held to be ſupreme, in ſacred, as well as civil affairs [*p*]. This act was reverſed by SYLLA, and the ancient right reſtored to the Colleges; but LABIENUS, when Tribun, in CICERO's Conſulſhip, recalled the law of DOMITIUS, to facilitate CÆSAR's advancement to the High-Prieſthood: it was neceſſary however, *that every Candidate ſhould be nominated to the people by two Augurs, who gave a ſolemn teſtimony upon oath of his dignity and fitneſs for the office:* this was done in CICERO's caſe by POMPEY and HORTENSIUS, the two moſt eminent mem-

A. Urb. 700. Cic. 54. Coſſ. CN. DOMITIUS CALVINUS, M. VALERIUS MESSALA.

P. Craſſum ex omni nobilitate adoleſcentem dilexi plurimum, &c. Ibid. 13. 16.

Cum P. Craſſo, cum initio ætatis ad amicitiam ſe meam contuliſſet, ſæpe egiſſe me arbitror, cum eum vehementiſſime hortarer, ut eam laudis viam rectiſſimam eſſe duceret, quam majores ejus ei tritam reliquiſſent. Erat enim cum inſtitutus optime, tum plane perfecteque eruditus. Ineratque & ingenium ſatis acre, & orationis non inelegans copia: prætereaque ſine arrogantia gravis eſſe videbatur, & ſine ſegnitie verecundus, &c. Vid. Brut. p. 407. It. Plut. in Craſſ.

[*o*] Quomodo Hirrum putas Auguratus tui competitorem.——Ep. fam. 8. 3.

[*p*] Atque hoc idem de cæteris Sacerdotiis Cn. Domitius Tribunus Pl. tulit, &c. De Leg. Ag. 2. 7.

A. Urb. 700. Cic. 54. Coſſ. Cn. Domitius Calvinus, M. Valerius Meſſala.

bers of the College; and after the election, he was inſtalled with all the uſual formalities by Hortensius [q].

As in the laſt year, ſo in this, the factions of the City prevented the choice of Conſuls: the Candidates, T. Annius Milo, Q. Metellus Scipio, and P. Plautius Hypsæus, puſhed on their ſeveral intereſts with ſuch open violence and bribery, as if the Conſulſhip was to be carried onely by *money or arms* [r]. Clodius was putting in at the ſame time for the Prætorſhip, and employing all his credit and intereſt to diſappoint Milo; by whoſe obtaining the Conſulſhip, *he was ſure to be eclipſed and controuled, in the exerciſe of his ſubordinate magiſtracy* [s]. Pompey was wholly averſe to Milo, who did not pay him that court, which he expected, but ſeemed to affect an independency, and to truſt to his own ſtrength, while the other two competitors were wholly at his devotion: Hypsæus had been *his Quæſtor*, and always his Creature; and he deſigned to make Scipio *his Father in law*, by marrying his daughter Cornelia, a Lady of celebrated accompliſhments, the widow of *Young* Crassus.

Cicero, on the other hand, ſerved Milo to the utmoſt of his power, and ardently wiſhed his ſucceſs: this he owed to Milo's conſtant attachment to him, which at all hazards he now reſolved to repay: the affair however was likely to give him much trouble, as well from the difficulty of the oppoſition, as from Milo's own conduct, and unbounded prodigality, which threatened the ruin

[q] Quo enim tempore me Augurem a toto Collegio expetitum Cn. Pompeius & Q. Hortenſius nominaverunt; neque enim licebat a pluribus nominari.——Philip. 2. 2.

Cooptatum me ab eo in collegium recordabar, in quo juratus judicium dignitatis meæ fecerat: & inauguratum ab eodem, ex quo, augurum inſtitutis in parentis eum loco colere debebam. Brut. init.——

[r] Plutar. in Cato.——

[s] Occurrebat ei, mancam ac debilem Præturam ſuam futuram Conſule Milone.—Pro Milon. 9.

ruin of all his fortunes: in a Letter to his Brother, who was ſtill with CÆSAR, he ſays, "Nothing can be more "wretched than theſe men and theſe times: wherefore "ſince no pleaſure can now be had from the Republic, "I know not why I ſhould make my ſelf uneaſy: "books, ſtudy, quiet, my Country houſes, and above "all, my children, are my ſole delight: MILO is my "onely trouble: I wiſh his Conſulſhip may put an end "to it; in which I will not take leſs pains, than I did "in my own; and you will aſſiſt us there alſo, as you "now do: all things ſtand well with him, unleſs ſome "violence defeat us: I am afraid onely how his money "will hold out; for he is mad beyond all bounds in "the magnificence of his ſhews, which he is now pre-"paring at the expenſe of 250000 *l.* but it ſhall be my "care to check his inconſiderateneſs in this one article, "as far as I am able, &c. [*t*]

A. Urb. 700. Cic. 54. Coſſ. CN. DOMITIUS CALVINUS, M. VALERIUS MESSALA.

IN the heat of this competition, CURIO was coming home from *Aſia*, and expected ſhortly at *Rome*; whence CICERO ſent an expreſs to meet him on the road, or at his landing in *Italy*, with a moſt earneſt and preſſing Letter to engage him to MILO's intereſt.

[*s*] Itaque ex Repub. quoniam nihil jam voluptatis capi poteſt; cur ſtomacher, neſcio. Litteræ me & ſtudia noſtra, & otium, Villæque delectant, maximeque pueri noſtri. Angit unus Milo. Sed velim finem afferat Conſulatus: in quo enitar non minus quam ſum eniſus in noſtro: tuque iſtinc, quod facis, adjuvabis. De quo cætera (niſi plane vis eripuerit) recte ſunt: de re familiari timeo.

Ὁ δὲ μαίνεται ὅπ ἔτ' ἀνεκτῶς——

Qui ludos H. S. CCC. comparet. Cujus in hoc uno inconſiderantiam & ego ſuſtinebo, ut potero.——Ad Quint. 3. 9.

CICERO had great reaſon for the apprehenſions, which he expreſſes on account of MILO's extravagance: for MILO had already waſted three eſtates in giving plays and ſhews to the people; and when he went ſoon after into exil was found to owe ſtill above half a million of our money. Plin. l. 36. 15. Aſcon. Arg. in Milon.

M. T. CICERO to C. CURIO.

A. Urb. 701. Cic. 55. "BEFORE we had yet heard that you were coming "towards *Italy*, I ſent away S. VILLIUS, MILO's friend, "with this Letter to you: but when your arrival was "ſuppoſed to draw near, and it was known for certain, "that you had left *Aſia*, and were upon the road to- "wards *Rome*, the importance of the ſubject left us no "room to fear, that I ſhould be thought to ſend too "haſtily, when we were greatly deſirous to have it de- "livered to you as ſoon as poſſible. If my ſervices to "you, CURIO, were really ſo great, as they are pro- "clamed to be by you, rather than conſidered by me, "I ſhould be more reſerved in aſking, if I had any great "favor to beg of you: for it goes hard with a modeſt "man, to aſk any thing conſiderable of one, whom he "takes to be obliged to him; leſt he be thought to de- "mand, rather than to aſk that which he wants; and to "look upon it as a debt, rather than as a kindneſs. But "ſince your ſervices to me, ſo eminently diſplayed in my "late troubles, are known to all to be the greateſt; "and it is the part of an ingenuous mind, to wiſh to be "more obliged to thoſe, to whom we are already much "obliged; I made no ſcruple to beg of you by Letter, "what of all things is the moſt important and moſt ne- "ceſſary to me. For I am not afraid, leſt I ſhould not "be able to ſuſtain the weight of all your favors, tho' "ever ſo numerous; being confident, that there is none "ſo great, which my mind is not able, as well fully to "receive and comprehend, as amply to requite and il- "luſtrate. I have placed all my ſtudies, pains, care, in- "duſtry, thoughts, and in ſhort my very ſoul on MILO's

"Conſulſhip;

" Conſulſhip; and have reſolved with my ſelf, to expect A. Urb. 701.
" from it, not onely the common fruit of performing my Cic. 55.
" duty, but the praiſe even of my piety: nor was any
" man, I believe, ever ſo ſollicitous for his own ſafety
" and fortunes, as I am for his honor; on which I have
" fixed all my views and hopes. You, I perceive, can be
" of ſuch ſervice to him, if you pleaſe, that we ſhall have
" no occaſion for any thing farther. We have already
" with us, the good wiſhes of the honeſt, engaged to him
" by his Tribunate; and, as you will imagine alſo, I hope,
" by his attachment to me: of the populace and the mul-
" titude, by the magnificence of his ſhews, and the gene-
" roſity of his nature: of the youth and men of intereſt,
" by his own peculiar credit or diligence among that ſort:
" he has all my aſſiſtance likewiſe, which, tho' of little
" weight, yet being allowed by all to be juſt and due to
" him, may perhaps be of ſome influence. What we
" want, is a Captain and Leader; or a Pilot, as it were,
" of all theſe winds; and were we to chuſe one out of
" the whole City, we could not find a man ſo fit for the
" purpoſe as you. Wherefore, if from all the pains,
" which I am now taking for MILO, you can believe me
" to be mindfull of benefits; if gratefull; if a good man;
" if worthy in ſhort of your kindneſs; I beg of you to
" relieve my preſent ſollicitude, and lend your helping
" hand to my praiſe; or, to ſpeak more truly, to my
" ſafety. As to T. ANNIUS himſelf, I promiſe you, if
" you embrace him, that you will not find a man of a
" greater mind, gravity, conſtancy; or of greater affection
" to you: and as for my ſelf, you will add ſuch a luſter
" and freſh dignity to me, that I ſhall readily own you,
" to have ſhewn the ſame zeal for my honor, which you

" exerted

A. Urb. 701. Cic. 55.

" exerted before for my preſervation. If I was not ſure,
" from what I have already ſaid, that you would ſee how
" much I take my duty to be intereſted in this affair,
" and how much it concerns me, not onely to ſtruggle,
" but even to fight for MILO's ſucceſs, I ſhould preſs you
" ſtill farther; but I now recommend and throw the
" whole cauſe, and my ſelf alſo with it, into your hands;
" and beg of you, to aſſure yourſelf of this one thing;
" that if I obtain this favor from you, I ſhall be more
" indebted almoſt to you, than even to MILO himſelf;
" ſince my ſafety, in which I was principally aſſiſted by
" him, was not ſo dear, as the piety of ſhewing my
" gratitude will be agreeable to me; and this, I am
" confident, I ſhall be able to effect by your ſingle
" aſſiſtance. Adieu [*u*].

THE Senate and the better ſort were generally in MILO's intereſt: but *Three of the Tribuns* were violent againſt him, Q. POMPEIUS RUFUS, MUNATIUS PLANCUS BURSA, and SALLUST *the Hiſtorian*; the other ſeven were his faſt friends, but above all M. CÆLIUS, who, out of regard to CICERO, ſerved him with a particular zeal. But while all things were proceding very proſperouſly in his favor, and nothing ſeemed wanting to crown his ſucceſs, but to bring on the election, which his adverſaries, for that reaſon, were laboring to keep back; all his hopes and fortunes were blaſted at once by an unhappy rencounter with his old enemy CLODIUS, in which CLODIUS *was killed by his ſervants, and by his command.*

THEIR meeting was wholly accidental, on the *Appian* road, not far from the City; CLODIUS coming home from the

[*u*] Ep. fam. 2. 6.

the country towards *Rome*; MILO going out about three in the afternoon; the firſt on horſeback, with three companions, and thirty ſervants well armed; the latter in a Chariot with his wife and one friend, but with a much greater retinue, and among them ſome Gladiators. The ſervants on both ſides began preſently to inſult each other; when CLODIUS turning briſkly to ſome of MILO's men, who were neareſt to him, and threatening them with his uſual fierceneſs, received a wound in the ſhoulder, from one of the Gladiators; and after receiving ſeveral more in the general fray, which inſtantly enſued, finding his life in danger, was forced to fly for ſhelter into a neighbouring Tavern. MILO heated by this ſucceſs, and the thoughts of revenge, and reflecting, that he had already done enough, to give his enemy a great advantage againſt him, if he was left alive to purſue it, reſolved, whatever was the conſequence, to have the pleaſure of deſtroying him, and ſo ordered the houſe to be ſtormed, and CLODIUS to be dragged out and murthered: the Maſter of the Tavern was likewiſe killed, with eleven of CLODIUS's ſervants, while the reſt ſaved themſelves by flight: ſo that CLODIUS's body was left in the road, where it fell, till S. TEDIUS, a Senator, happening to come by, took it up into his Chaiſe, and brought it with him to *Rome*; where it was expoſed in that condition, all covered with blood and wounds, to the view of the populace, who flocked about it in crowds to lament the miſerable fate of their Leader. The next day, the mob headed by S. CLODIUS, a kinſman of the deceaſed, and one of his chief Incendiaries, carried the body naked, ſo as all the wounds might be ſeen, into the Forum, and placed it in the Roſtra; where the Three Tribuns, MILO's

A. Urb. 701. Cic. 55.

enemies,

A. Urb. 701. Cic. 55. enemies, were prepared to harangue upon it in a ſtile ſuited to the lamentable occaſion, by which they inflamed their mercenaries to ſuch a heighth of fury, that, ſnatching up the body, they ran away with it into the Senate-houſe, and tearing up the benches, tables, and every thing combuſtible, dreſſed up a funeral pile upon the ſpot, and, together with the body, burnt the houſe itſelf, with a *Baſilica* alſo, or public Hall adjoining, called the *Porcian*; and in the ſame fit of madneſs, proceded to ſtorm the houſe of MILO, and of M. LEPIDUS, the Interrex, but were repulſed in both attacks, with ſome loſs [*w*].

THESE extravagancies raiſed great indignation in the City; and gave a turn in favor of MILO; who looking upon himſelf as undone, was meditating nothing before, but *a voluntary exil:* but now taking courage, he ventured to appear in public, and was introduced *into the Roſtra, by* CÆLIUS; where he made his defence to the people; and to mitigate their reſentment diſtributed through all the Tribes *above three pounds a man, to every poor Citizen.* But all his pains and expenſe were to little purpoſe; for *the three Tribuns* employed all the arts of party and faction to keep up the ill humor of the populace; and what was more fatal, POMPEY would not be brought into any meaſures of accommodating the matter; ſo that the tumults ſtill encreaſing, the Senate paſſed a decree, *that the Interrex, aſſiſted by the Tribuns and* POMPEY, *ſhould take care, that the Republic received no detriment;*

[*w*] Quanquam re vera, fuerat pugna fortuita. Quintil. l. 6. c. 5.

Ἐλπίσας——ῥᾷον τὸν φόνον τελευτήσαν]Θ αὐτῷ, ἢ τῷ τραύμα]Θ, εἰ περιγίγνοιτο, ἀφεθήσεσθαι. Dio. l. 40. p. 143.

Milo, ut cognovit vulneratum Clodium, cum ſibi periculoſius illud etiam, vivo eo, futurum intelligeret, occiſo autem magnum ſolatium eſſet habiturus, etiam ſi ſubeunda pœna eſſet, exturbari tabernam juſſit.——Ita Clodius latens extractus eſt, multiſque vulneribus confectus—&c. Vid. Aſconii Argum. in Milon.

detriment; *and that* POMPEY, *in particular*, *ſhould raiſe a body of troops for the common ſecurity*; which he preſently drew together from all parts of *Italy*. In this confuſion, *the rumor of a Dictator was again induſtriouſly revived*, and gave a freſh alarm to the Senate; who, to avoid the greater evil, reſolved preſently *to create* POMPEY *the ſingle Conſul*: *ſo that the Interrex*, SERVIUS SULPICIUS, *declared his election accordingly*, *after an interregnum of near two months* [*x*]. A. Urb. 701. Cic. 55. CN. POMPEIUS MAGNUS III. Sine Collega.

POMPEY applied himſelf immediately to calm the public diſorders, and publiſhed ſeveral *new Laws*, prepared by him for that purpoſe: one of them was, to appoint *a ſpecial commiſſion*, *to inquire into* CLODIUS's *death*, *the burning of the Senate-houſe*, *and the attack on* M. LEPIDUS; and to appoint *an extraordinary Judge*, *of Conſular rank*, *to preſide in it*: a ſecond was, *againſt bribery and corruption in elections*, *with the infliction of new and ſeverer penalties*. By theſe laws, the method of trials was altered, and the length of them limited: *three days were allowed for the examination of witneſſes*, *and the fourth for the ſentence*; *on which the Accuſer was to have two hours onely*, *to enforce the charge*; the *Criminal three*, *for his defence* [*y*]: which regulation TACITUS ſeems to conſider, *as the firſt ſtep towards the ruin of the Roman eloquence*; *by impoſing reins*, *as it were*, *upon its free and ancient courſe* [*z*]. CÆLIUS oppoſed his negative to theſe Laws, *as being rather privileges*, *than Laws*, *and provided particularly againſt* MILO: but he was ſoon obliged to withdraw it, upon POMPEY's declaring,

[*x*] Vid. Dio. ibid. & Aſcon. Argum.
[*y*] Ibid.
[*z*] Primus tertio Conſulatu Cn. Pompeius aſtrinxit, impoſuitque veluti frænos eloquentiæ—&c. Dialog. de Orator. 38.

A. Urb. 701. Cic. 55. Cn. Pompeius Magnus III. Sine Collega.

declaring, *that he would ſupport them by force of Arms.* The *three Tribuns*, all the while, were perpetually haranguing, and terrifying the City with forged ſtories, *of magazines of arms prepared by* Milo, *for maſſacring his enemies, and burning the City*; and produced their creatures in *the Roſtra, to vouch the truth of them to the people:* they charged him particularly, *with a deſign againſt* Pompey's *life*; *and brought one* Licinius, *a killer of the victims for ſacrifice, to declare that* Milo's *ſervants had confeſſed it to him in their cups, and then endeavoured to kill him, leſt he ſhould diſcover it: and to make his ſtory the more credible, ſhewed a ſlight wound in his ſide, made by himſelf,* which he affirmed to have been given by the ſtroke *of a Gladiator.* Pompey himſelf confirmed this fact, *and laid an account of it before the Senate*; and by doubling his guard affected to intimate a real apprehenſion of danger [*a*]. Nor were they leſs induſtrious to raiſe a clamor againſt Cicero; and, in order to deter him from pleading Milo's cauſe, threatened him alſo with trials and proſecutions; giving it out every where, *that* Clodius *was killed indeed by the hand of* Milo, *but by the advice and contrivance of a greater man* [*b*]. Yet ſuch was his conſtancy to his friend, ſays Asconius, that *neither the loſs of popular favor, nor* Pompey's *ſuſpicions, nor his own danger, nor the terror of arms, could divert him from the reſolution of undertaking* Milo's *defence* [*c*].

But

[*a*] Audiendus Popa Licinius, neſcio qui de Circo maximo, ſervos Milonis apud ſe ebrios factos confeſſos eſſe, de interficiendo Cn. Pompeio conjuraſſe——de amicorum ſententia rem defert ad Senatum.——Pro Milon. 24.

[*b*] Scitis, Judices, fuiſſe, qui in hac rogatione ſuadenda dicerent, Milonis manu cædem eſſe factam, conſilio vero majoris alicujus: videlicet me latronem & ſicarium abjecti homines deſcribebant. Ibid. 18.

[*c*] Tanta tamen conſtantia ac fides fuit Ciceronis, ut non populi a ſe alienatione, non Cn. Pompeii ſuſpicionibus, non periculi futuri metu,——non armis, quæ palam in Milonem ſumpta erant, deterreri potuerit a defenſione ejus. Argum. Milon.

BUT it was POMPEY's *influence and authority, which ruined* MILO [*d*]. He was the onely man in *Rome*, who had the power either to bring him to a trial, or to get him condemned: not that he was concerned for CLODIUS's death, or the manner of it, but pleaſed rather, that the Republic was freed at any rate from ſo peſtilent a Demagogue; yet he reſolved to take the benefit of the occaſion, for getting rid of MILO too, from whoſe ambition and high ſpirit he had cauſe to apprehend no leſs trouble. He would not liſten therefore to any overtures, which were made to him by MILO's friends; and when MILO *offered to drop his ſuit for the Conſulſhip*, if that would ſatisfy him, he anſwered, *that he would not concern himſelf with any man's ſuing or deſiſting, nor give any obſtruction to the power and inclination of the Roman people.* He attended the trial in perſon with a ſtrong guard to preſerve peace, and prevent any violence from either ſide: there were many clear and poſitive proofs produced againſt MILO, tho' ſome of them were ſuppoſed to be forged: among the reſt, the *Veſtal virgins depoſed, that a woman unknown came to them in* MILO's *name, to diſcharge a vow, ſaid to be made by him, on the account of* CLODIUS's *death* [*e*].

A. Urb. 701. Cic. 55. CN. POMPEIUS MAGNUS III. Sine Collega.

WHEN the examination was over, MUNATIUS PLANCUS called the people together, and exhorted them to appear in a full body the next day, when judgement was to be given, and to declare their ſentiments in ſo public a manner, that the criminal might not be ſuffered to eſcape; which CICERO reflects upon in the defence, as an inſult on the liberty of the Bench [*f*]. Early in the morning,

[*d*] Milonem reum non magis invidia facti, quam Pompeii damnavit voluntas. Vell. Pat. 2. 47.

[*e*] Vid. Aſconii argum. in Milon.

[*f*] Ut intelligatis contra heſternam illam concionem licere vobis, quod ſentiatis, libere judicare. Pro Mil. 26. Vid. Aſcon. ibid.

A. Urb. 701. Cic. 55. Cn. Pompeius Magnus III. Sine Collega.

on the eleventh of April, the ſhops were all ſhut, and the whole City gathered into the Forum; where the avenues were poſſeſſed by Pompey's ſoldiers, and he himſelf ſeated in a conſpicuous part, to overlook the whole proceding, and hinder all diſturbance. The accuſers were, *Young* Appius, *the Nephew of* Clodius, M. Antonius, and P. Valerius; who, according to the new law, employed *two hours* in ſupporting their Indictment. Cicero was the onely advocate on Milo's ſide; but as ſoon as he roſe up to ſpeak, he was received with ſo rude a clamor *by the* Clodians, *that: he was much diſcompoſed and daunted at his firſt ſetting out; yet recovered ſpirit enough, to go through his ſpeech of three hours; which was taken down in writing, and publiſhed as it was delivered*; tho' the copy of it now extant is ſuppoſed to have been retouched and corrected by him afterwards, for a preſent to Milo in his exil [g].

In the council of Milo's friends, ſeveral were of opinion, that he ſhould defend himſelf, *by avowing the death of* Clodius *to be an act of public benefit:* but Cicero thought that defence too deſperate; as it would diſguſt the grave, by opening ſo great a door to licence; and offend the powerfull, leſt the precedent ſhould be extended to themſelves. But *Young* Brutus was not ſo cautious; who, in an oration which he compoſed and publiſhed afterwards in vindication of Milo, maintained *the killing of* Clodius *to be right and juſt*, and of great ſervice to the Republic [*h*]. It was notorious, that on both

[*g*] Cicero, cum inciperet dicere, acceptus eſt acclamatione Clodianorum—itaque non ea qua ſolitus erat conſtantia dixit. Manet autem illa quoque excepta ejus Oratio.——Aſcon. Argum.——

[*h*] Cum quibuſdam placuiſſet, ita defendi crimen, interfici Clodium pro Repub. fuiſſe, quam formam M. Brutus ſecutus eſt in ea oratione, quam pro Milone compoſuit, & edidit, quamvis non egiſſet, Ciceroni id non placuit.——Ibid.

both ſides, they had often *threatened death to each other:* Clodius eſpecially had declared ſeveral times both to the Senate and the people, *that* Milo *ought to be killed; and that, if the Conſulſhip could not be taken from him, his life could: and when* Favonius *aſked him once, what hopes he could have of playing his mad pranks, while* Milo *was living; he replied, that in three or four days at moſt, he ſhould live no more:* which was ſpoken juſt *three days* before the fatal rencounter, and *atteſted by* Favonius [*i*]. Since Milo then was charged with being the contriver of their meeting, and the aggreſſor in it, and ſeveral teſtimonies were produced to that purpoſe, Cicero choſe to riſk the cauſe on that iſſue; in hopes to perſwade, what ſeemed to be the moſt probable, *that* Clodius *actually lay in wait for* Milo, *and contrived the time and place; and that* Milo's *part was but a neceſſary act of ſelf-defence.* This appeared plauſible, from the nature of their equipage, and the circumſtances in which they met: for tho' Milo's company was the more nemerous, yet it was much more encumbered, and unfit for an engagement, than his adverſary's; *he himſelf being in a Chariot with his wife, and all her women along with him; while* Clodius *with his followers was on horſeback; as if prepared and equipped for fighting* [*k*]. He did not preclude himſelf however by this from

A. Urb. 701. Cic. 55. Cn. Pompeius Magnus III. Sine Collega.

[*i*] Etenim palam dictitabat, conſulatum Miloni eripi non poſſe, vitam poſſe. Significavit hoc ſæpe in Senatu; dixit in concione. Quinetiam Favonio, quærenti ex eo, qua ſpe fureret, Milone vivo? Reſpondit, triduo illum, ad ſummum quatriduo, periturum. Pro Mil. 9.

Poſt diem tertium geſta res eſt, quam dixerat. Ibid. 16.

[*k*] Interim cum ſciret Clodius——Iter ſolenne—neceſſarium—Miloni eſſe Lanuvium—Roma ipſe profectus pridie eſt, ut ante ſuum fundum, quod re intellectum eſt, inſidias Miloni collocaret——Milo autem cum in Senatu fuiſſet eo die, quoad Senatus dimiſſus eſt, domum venit, calceos & veſtimenta mutavit: paulliſper, dum ſe uxor, ut fit, comparat, commoratus eſt——obviam fit ei Clodius expeditus in equo, nulla rheda, nullis impedimentis, nullis Græcis Comitibus, ſine uxore, quod nunquam fere; cum hic Inſidiator,—(Milo)—cum uxore in rheda veheretur penulatus, magno & impedito & muliebri ac delicato ancillarum & puerorum comitatu.——Pro Mil. 10. it. 21.

A. Urb. 701. Cic. 55. Cn. Pompeius Magnus III. Sine Collega.

from the other plea, which he often takes occaſion to inſinuate, *that if* Milo *had really deſigned and contrived to kill* Clodius, *he would have deſerved honors inſtead of puniſhment, for cutting off ſo deſperate and dangerous an enemy to the peace and liberty of Rome* [*l*].

In this ſpeech for Milo, after he had ſhewn the folly of paying ſuch a regard to the idle rumors and forgeries of his enemies, as to give them the credit of an examination, he touches Pompey's conduct and *pretended fears*, with a fine and maſterly raillery; and from a kind of prophetic foreſight of what might one day happen, addreſſes himſelf to him in a very pathetic manner.------ "I could not but applaud, *ſays he*, the "wonderfull diligence of Pompey in theſe inquiries: "but to tell you freely what I think; thoſe, who are "charged with the care of the whole Republic, are "forced to hear many things, which they would con-"temn, if they were at liberty to do it. He could not "refuſe an audience to that paultry fellow, Licinius, "who gave the information about Milo's ſervants------ "I was ſent for among the firſt of thoſe friends, by "whoſe advice he laid it before the Senate; and was, "I own, in no ſmall conſternation, to ſee the Guar-"dian both of me and my Country under ſo great an "apprehenſion; yet I could not help wondering, that "ſuch credit was given to a Butcher; ſuch regard to "drunken ſlaves; and how the wound in the man's "ſide, which ſeemed to be the prick onely of a needle, "could

[*l*] Quamobrem ſi cruentum gladium tenens clamaret T. Annius, adeſte, quæſo, atque audite cives: P. Clodium interfeci: ejus furores, quos nullis jam legibus, nullis judiciis frænare poteramus, hoc ferro, atque hac dextra a cervicibus veſtris repuli, &c.——Vos tanti ſceleris ultorem non modo honoribus nullis afficietis, ſed etiam ad ſupplicium rapi patiemini?——Pro Mil. 28—&c.

" could be taken for the ſtroke of a Gladiator. But A. Urb. 701.
" POMPEY was ſhewing his caution, rather than his Cic. 55.
" fear; and diſpoſed to be ſuſpicious of every thing, CN. POMPEI-
" that you might have reaſon to fear nothing. There US MAG-
" was a rumor alſo, that CÆSAR's houſe was attacked NUS III.
" for ſeveral hours in the night: the neighbours, tho' in Sine Collega.
" ſo public a place, heard nothing at all of it; yet the
" affair was thought fit to be inquired into. I can never
" ſuſpect a man of POMPEY's eminent courage, of being
" timorous; nor yet think any caution too great in
" one, who has taken upon himſelf the defence of
" the whole Republic. A Senator likewiſe, in a full
" houſe, affirmed lately in the Capitol, that MILO had
" a dagger under his gown at that very time: MILO
" ſtript himſelf preſently in that moſt ſacred Temple;
" that, ſince his life and manners would not give him
" credit, the thing itſelf might ſpeak for him, which
" was found to be falſe and baſely forged. But if,
" after all, MILO muſt ſtill be feared; it is no longer
" the affair of CLODIUS, but your ſuſpicions, POMPEY,
" which we dread: your, your ſuſpicions, I ſay, and
" ſpeak it ſo, that you may hear me.-----If thoſe ſuſpi-
" cions ſtick ſo cloſe, that they are never to be removed;
" if *Italy* muſt never be free from new levies, nor the
" City from arms, without MILO's deſtruction; he
" would not ſcruple, ſuch is his nature and his prin-
" ciples, to bid adieu to his Country, and ſubmit to a
" voluntary exil: but at taking leave, he would call upon
" Thee, O Thou Great One! as he now does, to con-
" ſider how uncertain and variable the condition of life
" is; how unſettled and inconſtant a thing fortune;
" what unfaithfullneſs there is in friends; what diſſi-
" mulation

A. Urb. 701. Cic. 55. Cn. Pompeius Magnus III. Sine Collega.

" mulation ſuited to times and circumſtances; what
" deſertion, what cowardice in our dangers, even of
" thoſe, who are deareſt to us: there will, there will,
" I ſay, be a time, and the day will certainly come,
" when you, with ſafety ſtill, I hope, to your fortunes,
" tho' changed perhaps by ſome turn of the common
" times, which, as experience ſhews, will often happen
" to us all, may want the affection of the friendlieſt,
" the fidelity of the worthieſt, the courage of the
" braveſt man living, &c. [m]

Of one and fifty Judges, who ſat upon Milo, *thirteen* onely acquitted, and *thirty eight* condemned him: the votes were uſually given by ballot; but Cato, who abſolved him, choſe to give his vote openly; and *if he had done it earlier*, ſays Velleius, *would have drawn others after him; ſince all were convinced, that he, who was killed, was, of all who had ever lived, the moſt pernicious enemy to his Country*, and to all good men [n]. Milo went into exil at *Marſeilles*, a few days after his condemnation: his debts were ſo great, that he was glad to retire the ſooner from the importunity of his Creditors; for whoſe ſatisfaction his whole eſtate was ſold by public auction. Here Cicero ſtill continued his care for him, and in concert with Milo's friends, ordered one of his wife's freedmen, Philotimus, to aſſiſt at the ſale, and to purchaſe the greateſt part of the effects, in order to diſpoſe of them afterwards to the beſt advantage, for the benefit *of* Milo *and his wife* Fausta, *if any thing*

[m] Pro Mil. 24, 25, 26——

[n] M. Cato palam lata abſolvit ſententia, quam ſi maturius tuliſſet, non defuiſſent, qui ſequerentur exemplum, probarentque eum civem occiſum, quo nemo pernicioſior Reipub. neque bonis inimicior vixerat. —— Vell. Pat. 2. 47.

thing could be ſaved for them. But his intended ſervice was not ſo well reliſhed by MILO, as he expected; for PHILOTIMUS was ſuſpected of playing the knave, and ſecreting part of the effects to his own uſe; which gave CICERO great uneaſineſs; ſo that he preſſed ATTICUS and CÆLIUS, to inquire into the matter very narrowly, and oblige PHILOTIMUS *to give ſatisfaction to* MILO's *friends; and to ſee eſpecially, that his own reputation did not ſuffer by the management of his ſervant* [o]. Through this whole ſtruggle about MILO, POMPEY treated CICERO with great humanity: he aſſigned him a *guard at the trial; forgave all his labors for his friend, tho' in oppoſition to himſelf; and ſo far from reſenting what he did, would not ſuffer other people's reſentments to hurt him* [p].

A. Urb. 701. Cic. 55. CN. POMPEIUS MAGNUS III. Sine Collega.

THE next trial before the ſame Tribunal, and for the ſame crime, was of M. SAUFEIUS, one of MILO's confidents, charged with being the ringleader, *in ſtorming the houſe, and killing* CLODIUS: he was defended alſo by CICERO, and acquitted onely *by one vote:* but being accuſed a ſecond time on the ſame account, tho' for a different fact, and again defended by CICERO, *he was acquitted by a great majority.* But SEX. CLODIUS, the Captain of the other ſide, had not the luck to eſcape ſo

[o] Conſilium meum hoc fuerat, primum ut in poteſtate noſtra res eſſet, ne illum malus emptor & alienus mancipiis, quæ permulta ſecum habet, ſpoliaret: deinde ut Fauſtæ, cui cautum ille voluiſſet, ratum eſſet. Erat etiam illud, ut ipſi nos, ſi quid ſervari poſſet, quam facillime ſervaremus. Nunc rem totam perſpicias velim—Si ille queritur—Si idem Fauſta vult, Philotimus, ut ego ei coram dixeram, mihique ille receperat, ne ſit invito Milone in bonis——Ad Att. 5. 8. it. 6. 4.

Quod ad Philotimi liberti officium & bona Milonis attinet, dedimus operam ut & Philotimus quam honeſtiſſime Miloni abſenti, ejuſque neceſſariis ſatisfaceret, & ſecundum ejus fidem & ſedulitatem exiſtimatio tua conſervaretur.——Ep. fam. 8. 3.

[p] Qua humanitate tulit contentionem meam pro Milone, adverſante interdum actionibus ſuis? Quo ſtudio providit, ne quæ me illius temporis invidia attingeret? Cum me conſilio, tum auctoritate, cum armis denique texit ſuis——Ibid. 3. 10.

well; but was condemned and baniſhed with ſeveral others of that faction, to the great joy of the City, *for burning the Senate-houſe, and the other violences committed upon* CLODIUS's *death* [*q*].

A. Urb. 701. Cic. 55. Coſſ. CN. POMPEIUS MAGNUS III. Q. CÆCILIUS METELLUS SCIPIO.

POMPEY no ſooner publiſhed his *new law againſt bribery*, than the late Conſular Candidates, SCIPIO *and* HYPSÆUS, *were ſeverally impeached upon it*; and being both of them notoriouſly guilty, were in great danger of being condemned: but POMPEY, calling the body of the Judges together, begged it of them as a favor, *that, out of the great number of State Criminals, they would remit* SCIPIO *to him:* whom, after he had reſcued from this proſecution, he declared *his Collegue in the Conſulſhip, for the laſt five months of the year*; having firſt made him *his Father in law* by marrying his daughter, CORNELIA. The other Candidate, HYPSÆUS, was left to the mercy of the law; and being likely to fare the worſe for SCIPIO's eſcape, and to be made a ſacrifice to the popular odium, he watched an opportunity of acceſs to POMPEY, *as he was coming out of his bath, and throwing himſelf at his feet, implored his protection:* but tho' he had been his *Quæſtor*, and ever obſequious to his will, yet POMPEY is ſaid to have thruſt him away with great haughtineſs and inhumanity, telling him coldly, *that he would onely ſpoil his ſupper by detaining him* [*r*].

BEFORE the end of the year, CICERO had ſome amends for the loſs of his friend MILO, by the condemnation and baniſhment

[*q*] Aſcon. Argum. pro Milon.——

[*r*] Cn. autem Pompeius quam inſolenter? Qui balneo egreſſus, ante pedes ſuos proſtratum Hypſæum ambitus reum & nobilem virum & ſibi amicum, jacentem reliquit, contumelioſa voce proculcatum. Nihil enim eum aliud agere, quam ut convivium ſuum moraretur, reſpondit.—Ille vero P. Scipionem, Socerum ſuum, legibus noxium, quas ipſe tulerat, in maxima quidem reorum & illuſtrium ruina, muneris loco a Judicibus depoſcere ——Val. Max. 9. 5. it. Plutar. in Pomp.

baniſhment of *Two of the Tribuns*, the common enemies of them both, Q. POMPEIUS RUFUS, *and* T. MUNATIUS PLANCUS BURSA, *for the violences of their Tribunate, and burning the Senate-houſe.* As ſoon as their office expired, CÆLIUS accuſed the firſt; and CICERO himſelf the ſecond; the onely cauſe, excepting that of VERRES, in which he ever acted the part of *an Accuſer*. But BURSA had deſerved it, both for his public behaviour in his office, and his perſonal injuries to CICERO; who had defended and preſerved him in a former trial. He depended on POMPEY's ſaving him; and had no apprehenſion of danger, ſince POMPEY undertook to plead his cauſe, before Judges of his own appointing; yet by CICERO's vigor in managing the proſecution, he was condemned by an unanimous vote of the whole bench [*s*]. CICERO was highly pleaſed with this ſucceſs, as he ſignifies in a Letter to his friend MARIUS, which will explane the motives of his conduct in it.

A. Urb. 701. Cic. 55. Coſſ. CN. POMPEIUS MAGNUS III. Q. CÆCILIUS METELLUS SCIPIO.

" I KNOW very well, *ſays he*, that you rejoice at " BURSA's fate, but you congratulate me too coldly: " you imagine, you tell me, that for the ſordidneſs of " the man, I take the leſs pleaſure in it: but believe me, " I have more joy from this ſentence, than from the " death of my enemy: for in the firſt place, I love to " purſue, rather by a trial, than the ſword; rather with " the glory, than the ruin of a friend; and it pleaſed " me extremely, to ſee ſo great an inclination of all " honeſt men on my ſide, againſt the incredible pains " of one, the moſt eminent and powerfull: and laſtly, " what you will ſcarce think poſſible, I hated this fellow " worſe than CLODIUS himſelf: for I had attacked the

[*s*] Plancum, qui omnibus ſententiis maximo veſtro plauſu condemnatus——Philip. 6. 4.

A. Urb. 701. Cic. 55. Coſſ. Cn. Pompeius Magnus III. Q. Cæcilius Metellus Scipio.

" one, but defended the other: and Clodius, when " the ſafety of the Republic was riſked upon my head, " had ſomething great in view, not indeed from his " own ſtrength, but the help of thoſe, who could not " maintain their ground, whilſt I ſtood firm: but this " ſilly Ape, out of a gayety of heart, choſe me parti- " cularly for the object of his invectives; and perſwaded " thoſe, who envied me, that he would be always at " their ſervice, to inſult me at any warning. Where- " fore I charge you to rejoice in good earneſt; for it is " a great victory, which we have won. No Citizens " were ever ſtouter than thoſe, who condemned him, " againſt ſo great a power of one, by whom themſelves " were choſen Judges: which they would never have " done, if they had not made my cauſe and grief their " own. We are ſo diſtracted here by a multitude of " trials and new laws, that our daily prayer is againſt " all Intercalations, that we may ſee you as ſoon as " poſſible [*t*].

Soon after the death of Clodius, Cicero ſeems to have written *his Treatiſe on laws* [*u*]; after the example of Plato, whom of all writers he moſt loved to imitate: for as Plato, after he had written on government in general, *drew up a body of laws, adapted to that particular form of it, which he had been delineating*; ſo Cicero choſe to deliver his political ſentiments in the ſame method [*x*]; not by tranſlating Plato, but imitating his manner in the explication of them. This work

[*t*] Ep. fam. 7. 2.

[*u*] Vid. de Legib. 2. 17.

[*x*] Sed ut vir doctiſſimus fecit Plato, atque idem graviſſimus Philoſophorum omnium, qui princeps de Repub. conſcripſit, idemque ſeparatim de legibus ejus, id mihi credo eſſe faciundum.——De Legib. 2. 6.

work being deſigned then, as a ſupplement, or ſecond volume to his other upon *the Republic*, was diſtributed probably as that other was, into *ſix books*: for we meet with ſome quotations among the ancients, from *the fourth and fifth*, tho' there are but *three* now remaining, and thoſe in ſome places imperfect. In the firſt of theſe, he lays open *the origin of law and the ſource of obligation*; which he derives from *the univerſal nature of things*, or, as he explanes it, from *the conſummate reaſon or will of the ſupreme God* [*y*]: in the other two books, he gives a body of laws, conformable to his own plan and idea of a well ordered City [*z*]: firſt, thoſe which relate *to religion and the worſhip of the Gods*; ſecondly, thoſe which preſcribe *the duties and powers of the ſeveral magiſtrates*, from which the peculiar form of each government is denominated. Theſe laws are generally taken *from the old conſtitution or cuſtom of Rome* [*a*]; with ſome little variation and temperament, contrived to obviate the diſorders, to which that Republic was liable, and to give it a ſtronger turn towards *the Ariſtocratical ſide* [*b*]: in the other books, which are loſt, he had treated, as he tells us, *of the particular rights and privileges of the Roman people* [*c*].

A. Urb. 701. Cic. 55. Coſſ. CN. POMPEIUS MAGNUS III. Q. CÆCILIUS METELLUS SCIPIO.

POMPEY

[*y*] Hanc igitur video ſapientiſſimorum fuiſſe ſententiam, legem neque hominum ingeniis excogitatam, nec ſcitum aliquod eſſe populorum, ſed æternum quiddam, quod univerſum mundum regeret, imperandi prohibendique ſapientia. Ita principem legem illam & ultimam mentem eſſe dicebant, omnia ratione aut cogentis aut vetantis Dei——Quamobrem lex vera atque princeps—ratio eſt recta ſummi Jovis. Ibid. 2. 4.

[*z*] Nos autem quoniam—quæ de optima Repub. ſentiremus, in ſex libris ante diximus, accommodabimus hoc tempore leges ad illum, quem probamus, civitatis ſtatum.—Ib. 3. 2.

[*a*] Et ſi quæ forte a me hodie rogabuntur, quæ non ſint in noſtra Repub. nec fuerint, tamen erunt fere in more majorum, qui tum, ut lex, valebat. Ibid. 2. 10.

[*b*] Nihil habui; ſane non multum, quod putarem novandum in legibus. Ibid. 3. 5.

[*c*] Ibid. 3. 20.

A. Urb. 701. Cic. 55. Coſſ. Cn. Pompeius Magnus III. Q. Cæcilius Metellus Scipio.

POMPEY was preparing *an Inſcription* this ſummer *for the front of the New Temple*, which he had lately built *to* VENUS *the Conquereſs*, containing, as uſual, *the recital of all his Titles:* but in drawing it up, a queſtion happened to be ſtarted, *about the manner of expreſſing his third Conſulſhip*; whether it ſhould be by *Conſul Tertium* or *Tertio*. This was referred to *the principal Critics of Rome*, who could not, it ſeems, agree about it; ſome of them contending for the one, ſome for the other; *ſo that* POMPEY *left it to* CICERO, to decide the matter, and to inſcribe what he thought the beſt. But CICERO being unwilling to give judgement on either ſide, when there were great authorities on both, and VARRO among them, adviſed POMPEY, *to abbreviate the word in queſtion, and order* TERT. *onely to be inſcribed*; which fully declared the thing, without determining the diſpute. From this fact we may obſerve, how nicely exact they were in this age, in preſerving a propriety of language in their public monuments and inſcriptions [*d*].

AMONG the other acts of POMPEY, in this *third Conſulſhip*, there was a new law againſt bribery, contrived to ſtrengthen the old ones, that were already ſubſiſting againſt *it, by diſqualifying all future Conſuls and Prætors, from holding any province, till five years after the expiration of their Magiſtracies:* for this was thought likely to give ſome check to the eagerneſs of ſuing and bribing for thoſe great offices, *when the chief fruit and benefit of them was removed to ſuch a diſtance* [*e*]. But before the law paſſed, POMPEY took care to provide an exception

[*d*] This ſtory is told by TIRO, a favorite ſlave and freedman of CICERO, in a Letter preſerved by A. GELLIUS, l. 10. 1.

[*e*] Dio. p. 142.

exception for himſelf, *and to get the government of Spain continued to him for five years longer; with an appointment of money for the payment of his troops:* and leſt this ſhould give offence to CÆSAR, if ſomething alſo of an extraordinary kind was not provided for him; he propoſed a law, *to diſpenſe with* CÆSAR's *abſence in ſuing for the Conſulſhip*; of which CÆSAR at that time ſeemed very deſirous. CÆLIUS was the promotor of this law, engaged to it by CICERO, *at the joint requeſt of* POMPEY *and* CÆSAR [*f*]; and it was carried with the concurrence of all the Tribuns, tho' not without difficulty and obſtruction from the Senate: but *this unuſual favor, inſtead of ſatisfying* CÆSAR, *ſerved onely*, as SUETONIUS ſays, *to raiſe his hopes and demands ſtill higher* [*g*]. A. Urb. 701. Cic. 55. Coſſ. CN. POMPEIUS MAGNUS III. Q. CÆCILIUS METELLUS SCIPIO.

BY POMPEY's *law*, juſt mentioned, it was provided, that for a ſupply of Governors for the interval *of five years*, in which *the Conſuls and Prætors were diſqualified, the Senators of Conſular and Prætorian rank, who had never held any foreign command, ſhould divide the vacant Provinces among themſelves by lot:* in conſequence of which, CICERO, who was obliged to take his chance with the reſt, obtained *the Government of* CILICIA, now in the hands of APPIUS, the late Conſul: this Province included alſo *Piſidia, Pamphilia, and three Dioceſes*, as they were called, *or Diſtricts of Aſia, together with the Iſland of Cyprus*; for the guard of all which, *a ſtanding army was kept up of two Legions, or about twelve thouſand foot; with two thouſand ſix hundred horſe* [*h*]: and thus one

[*f*] Rogatus ab ipſo Ravennæ de Cælio Tribuno pleb. ab ipſo autem? Etiam a Cnæo noſtro.——Ad Att. 7. 1.

[*g*] Egit cum Tribunis pleb.——ut abſenti ſibi——petitio ſecundi Conſulatus daretur—— Quod ut adeptus eſt, altiora jam meditans & ſpei plenus, nullum largitionis, aut officiorum in quemquam genus publice privatimque omiſit. Suet. J. Cæſ. 26.

[*h*] Ad Att. 5. 15.

A. Urb. 701. Cic. 55. Coſſ. Cn. Pompeius Magnus III. Q. Cæcilius Metellus Scipio.

one of thoſe *Provincial Governments*, which were withheld from others by law, to correct their inordinate paſſion for them, *was, contrary to his will and expectation, obtruded at laſt upon* Cicero; whoſe buſineſs it had been through life to avoid them [*i*].

The City began now to feel the unhappy effects, both *of* Julia's *and* Crassus's *death*, from the mutual apprehenſions and jealouſies, which diſcovered themſelves more and more every day between Pompey and Cæsar: the Senate was generally in Pompey's intereſt; and truſting to the name and authority of ſo great a Leader, were determined to humble the pride and ambition of Cæsar, by recalling him from his Government; whilſt Cæsar, on the other hand, truſting to the ſtrength of his troops, reſolved to keep poſſeſſion of it in defiance of all their votes; and by drawing a part of his forces into *the Italic or Ciſalpine Gaul*, ſo as to be ready at any warning to ſupport his pretenſions, began to alarm all *Italy* with the melancholy proſpect of an approaching *civil war*: and this was the ſituation of affairs, when Cicero ſet forward towards his Government of *Cilicia*.

[*i*] Cum &, contra voluntatem meam & præter opinionem accidiſſet, ut mihi cum imperio in Provinciam proficiſci neceſſe eſſet. Ep. fam. 3. 2.

The END of the Firſt Volume.

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